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June 23, 1987

Briefings on How To Use the Federal Register—
For information on briefings in Chicago, IL, and Boston,
MA, see announcement on the inside cover of this issue.

Federal Register



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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

CHICAGO, IL

- WHEN:** July 8, at 9 a.m.
WHERE: Room 204A,
 Everett McKinley Dirksen Federal Building,
 219 S. Dearborn Street,
 Chicago, IL.
- RESERVATIONS:** Call the Chicago Federal Information Center, 312-353-0339.

BOSTON, MA

- WHEN:** July 15, at 9 a.m.
WHERE: Main Auditorium, Federal Building,
 10 Causeway Street,
 Boston, MA.
- RESERVATIONS:** Call the Boston Federal Information Center, 617-565-8129

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Title 3—**Proclamation 5669 of June 19, 1987****The President****National Dairy Goat Awareness Week, 1987****By the President of the United States of America****A Proclamation**

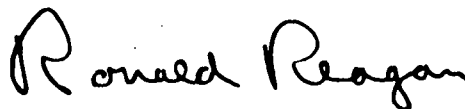
We can all be grateful for the significant contributions to our economy made by farmers and others who raise dairy goats and market dairy goat products. American farmers currently raise roughly 250,000 of these hardy animals, which can thrive even in harsh areas and have a long association with our country. Columbus and Cook and other famed explorers carried dairy goats abroad their ships for milk and meat, and pioneers and settlers transported them to every part of our land.

Dairy goat products are increasingly popular as items for export and for domestic use. The number of producers of goat cheese, or Chevre, is rising. An extraordinary variety of American-made goat cheeses is available, as are goat milk, ice cream, and yogurt.

In recognition of the value of dairy goats, the Congress, by House Joint Resolution 17, has designated the period beginning the second Saturday and ending the third Saturday of June 1987 as "National Dairy Goat Awareness Week" and authorized and requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period beginning the second Saturday and ending the third Saturday of June 1987 as National Dairy Goat Awareness Week. I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.



Presidential Documents

Proclamation 5670 of June 19, 1987

American Gospel Arts Day, 1987

By the President of the United States of America

A Proclamation

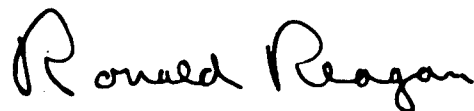
Gospel music is a uniquely American art form, a fusion of the music and culture of Africa and Europe. The rich sound and vibrant rhythms of Gospel music have influenced the directions of popular music in America and indeed around the world. Born in black American church communities across our country, Gospel music has long been a popular influence, bringing joy to countless people, symbolizing a source of peaceful social change, and affirming the place of black American culture in our Nation's artistic heritage.

Today in churches, Gospel music enlivens and enriches the spirit of worship, a moving and expressive example of spontaneous celebration through song and prayer. The performance of Gospel music is a heritage well worth preserving for future generations, so they can know and share in one of our most beloved musical traditions.

In recognition of the importance of Gospel music to the history of American music, and of the traditional observance of June 19 as a special day of appreciation of the black American cultural heritage with which Gospel music is so strongly identified, the Congress, by House Joint Resolution 106, has designated June 19, 1987, as "American Gospel Arts Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 19, 1987, as American Gospel Arts Day. I call upon the people of the United States to observe this day with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.



Presidential Documents

Proclamation 5671 of June 19, 1987

National Farm Safety Week, 1987

By the President of the United States of America

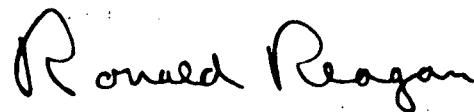
A Proclamation

We Americans know that our efficient farmers each supply food and fiber for more than 100 people, including many who live abroad. We know too, sadly, that farming and ranching have always been hazardous occupations—that every year agricultural producers suffer a disproportionate number of serious and often fatal injuries and illnesses during work, travel, and recreation, and that an additional toll is extracted in property damage, time loss, and medical costs. We do find that accident rates are declining, however, and this good news can help us further promote farm and ranch safety.

Most accidents and work illnesses can be prevented, often by simple and inexpensive or no-cost measures. Protective equipment, used in many industries to help assure worker safety and health, proves equally useful on farms and ranches if always used when jobs or working conditions call for it. Complex preventive measures are rarely required, and safety and health information is available from many local sources. But best of all, of course, is exercising appropriate care in all daily activities to protect ourselves from potential hazards ahead of time.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 20 through September 26, 1987, as National Farm Safety Week. I urge all those who live and work on farms or ranches to take necessary precautions to protect their safety and health, both on the job and off, both at home and on the roads. I also urge everyone allied with agriculture to strengthen their safety and health efforts by example and by educational programs. I encourage all Americans to participate in appropriate events and activities in observance of National Farm Safety Week and to note the vast contributions Americans in agriculture make to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.



Rules and Regulations

Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1922, 1944, and 1951

Rural Housing; Implementation of Cost Containment Guidelines

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of policy guidelines.

SUMMARY: This notice of policy guidelines provides for a transition period during which the Farmers Home Administration (FmHA) plans to implement its cost containment regulations. This will acquaint the public with the way in which FmHA plans to handle applications and conditional commitments on hand prior to the effective date (May 14, 1987) of the revision of 7 CFR Part 1944 as it relates to cost containment.

EFFECTIVE DATE: June 23, 1987.

FOR FURTHER INFORMATION CONTACT:

James W. Craun, Chief, Home Ownership Branch, Single Family Housing Processing Division, or Michael S. Feinberg, Senior Loan Specialist, Farmers Home Administration, USDA, Room 5334-S, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250, Telephone (202) 382-1474.

SUPPLEMENTARY INFORMATION: On May 14, 1987, the FmHA revised its regulations to reflect cost saving measures. (See 52 FR 11981, April 14, 1987). FmHA recognizes that some applicants may have entered into purchase arrangements for dwellings that qualified for FmHA financing at the time. In order to minimize any negative impacts, FmHA policy shall be to process loans for these applicants based on the regulations in effect on May 13, 1987.

Further, there are likely to be some conditional commitments outstanding issued prior to publication of the cost containment regulations. FmHA policy shall be to finance these dwellings so long as the applicants household size substantially meets the regulations as published.

(The Catalog of Federal Domestic Assistance program affected by this notice is 10.410 Low-Income Housing Loans)

Dated: June 15, 1987.

Vance L. Clark,
Administrator, Farmers Home Administration.

[FR Doc. 87-14131 Filed 6-22-87; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: On June 18, 1986 the Board of Directors of the FDIC granted the request of several petitioners that the FDIC reconsider the provisions of the FDIC's rule governing securities subsidiaries and affiliates of insured nonmember banks which deal with the use of a common name or logo and separate offices. A request for comment on whether or not these provisions should be retained, modified, or eliminated was published in the *Federal Register* on August 20, 1986. A subsequent proposed rule was published for comment on April 9, 1987. Insured nonmember banks that prior to December 28, 1984 became affiliated with a securities company, or prior to that date established or acquired a subsidiary that engages in securities activities, are presently required to comply with the common name or logo and separate office restrictions of the regulation by June 30, 1987. The Board of Directors is extending the compliance deadline with these provisions of the regulation until October 15, 1987 for institutions currently subject to the June 30, 1987 deadline in order to provide staff further time to consider the comments on the proposed rule.

EFFECTIVE DATE: June 17, 1987.

FOR FURTHER INFORMATION CONTACT:

Pamela E. F. LeCren, Senior Attorney, Legal Division, (202) 898-3730, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 19, 1984, the FDIC adopted § 337.4 of its regulations (12 CFR 337.4) (49 FR 46722, November 28, 1984), governing certain securities activities of subsidiaries of insured nonmember banks and the affiliation of insured nonmember banks with certain types of securities companies. The regulation requires, among other things, that securities subsidiaries which engage in activities prohibited to the bank by the Glass-Steagall Act must meet the definition of "bona fide subsidiary." That definition in turn requires, among other things, that a bank and such a securities subsidiary must operate out of separate offices that share no common entrance. The subsidiary is also prohibited from sharing a common name or logo with the bank. The regulation imposes similar requirements upon a bank affiliated with a securities company if that securities company conducts activities that would be prohibited to the bank by the Glass-Steagall Act. Banks that were affiliated with such a securities company prior to December 28, 1984, or that established or acquired such a securities subsidiary prior to December 28, 1984, were required to comply with the name and office restrictions as soon as practicable, but not more than one year from December 28, 1984 without the FDIC's consent.

In December 1985 several banks filed petitions with the FDIC requesting that the FDIC reconsider the requirement in the regulation that a bank and its securities subsidiary or affiliate must have separate offices that share no common entrance and the prohibition on the use by a bank of a common name or logo with its securities subsidiary or affiliate. In order to permit sufficient time for the FDIC to fully consider the petitions, the Board of Directors extended the above-described compliance deadline with the common name or logo and separate office provisions of the regulation until June 30, 1986. (51 FR 880, January 9, 1986).

On June 18, 1986 the Board of Directors granted the requests to reconsider the common name or logo

prohibition and the separate office and separate entrance requirement. A document soliciting comment on whether or not to modify or retain these restrictions was published for public comment on August 20, 1986. (51 FR 29657). At the same meeting, and in conjunction with its vote to solicit public comment, the Board of Directors voted to extend the June 30, 1986 compliance deadline for the name and office restrictions until December 31, 1986 for institutions with preexisting affiliate and subsidiary relationships. (51 FR 23405, June 27, 1986). Inasmuch as staff had not yet completed its review of the comments nor formulated a recommendation to the Board of Directors by early December 1986 with respect to the August 20, 1986 solicitation of comment, the Board of Directors voted to extend the compliance deadline until June 30, 1987 in order to allow staff to prepare its recommendation. (51 FR 45755, December 22, 1986).

After considering the comments, the FDIC proposed to amend § 337.4 by: (1) Revising the requirement that securities subsidiaries and affiliates must use separate offices from the bank that share no common entrance with the bank, (2) deleting the prohibition against such subsidiaries and affiliates sharing a common name or logo with the bank, and (3) establishing certain affirmative disclosure requirements to the effect that investments recommended, offered or sold by or through such subsidiary or affiliate are not FDIC insured deposits, that the subsidiary and affiliate are separate organizations from the bank, and that the obligations of the subsidiary and affiliate are not guaranteed, warranted or otherwise supported by the bank. (52 FR 11492, April 9, 1987). The comment period closed on May 11, 1987. As staff had not completed work on a recommendation to the Board of Directors as of mid-June 1987, the Board of Directors voted to extend the current June 30, 1987 compliance deadline with the common name or logo and separate entrance provisions of the regulation until October 15, 1987.

In accordance with 5 U.S.C. 553, the FDIC has found that prior notice and a delayed effective date with respect to this amendment are unnecessary as the amendment delays the imposition of requirements that are already imposed by existing regulation. Since the amendment only provides for an extension of time for compliance with certain portions of the regulation and imposes no burden upon banks, securities affiliates or the public, it is not

subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 337

Banks, banking, Securities, State nonmember banks.

In consideration of the foregoing, the FDIC hereby amends Part 337 of Title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 continues to read as follows:

Authority: 12 U.S.C. 1816; 12 U.S.C. 1818(a); 12 U.S.C. 1818(b); 12 U.S.C. 1819; 12 U.S.C. 1828(j)(2); 12 U.S.C. 1821(f).

2. Part 337 is amended by revising paragraph (h)(3) of § 337.4 to read as follows:

§ 337.4 Securities activities of subsidiaries of insured nonmember banks: Bank transactions with affiliated securities companies.

* * * * *

(h) * * *

(3) An insured nonmember bank described in § 337.4(h)(1) shall comply with the requirements imposed by § 337.4(a)(2) (ii) and (iii) and by § 337.4(c) (1) and (5) as soon as practicable (but not later than October 15, 1987 without the FDIC's consent).

* * * * *

By Order of the Board of Directors.

Dated at Washington, DC this 17th day of June, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-14257 Filed 6-22-87; 8:45 am]

BILLING CODE 6714-01-M

clarifications and corrections to the Export Administration Regulations:

(1) An amendment is made to set forth the correct name for the People's Democratic Republic of Yemen in § 385.4.

(2) An entry on the Commodity Control List (CCL), which lists those items subject to Department of Commerce export controls, is amended by revising the "Reason for Control" paragraph. The entry, covering "equipment specially designed for military purposes", incorrectly states that foreign policy controls apply only to commodities covered in one paragraph. This amendment, which does not represent a change in policy, clarifies that foreign policy export controls apply to *all* equipment covered by that entry.

(3) The "Technical Data" paragraph is removed from an entry on the CCL covering certain "marine or terrestrial acoustic or ultrasonic systems or equipment". The paragraph has incorrectly stated that no related technical data or software may be exported or reexported under General License GTDR, but actually such transactions *are* authorized to Country Groups T & V.

(4) An entry on the CCL covering "nickel powder and porous nickel metal" is amended by correcting a reference to square meters to read square centimeters.

EFFECTIVE DATE: This rule is effective June 23, 1987.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign affairs function of the United

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

[Docket No. 70595-7095]

Clarifications of Export Licensing Policy; Editorial Clarifications and Corrections

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule, which neither expands nor limits the provisions of the Export Administration Regulations, makes the following editorial

States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not involve a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Parts 385 and 399

Communist countries, Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368 through 399) are amended as follows:

1. The authority citation for Parts 385 and 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 (October 2, 1986); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 385—[AMENDED]

§ 385.4 [Amended]

2. Section 385.4(d)(2) is amended by revising in the last sentence the phrase

"People's Republic of Yemen" to read "People's Democratic Republic of Yemen".

PART 399—[AMENDED]

§ 399.1 [Amended]

3. In § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 2410A is amended by revising the *Reason for Control* paragraph to read as follows: "*Reason for Control*: National security; foreign policy."

4. In § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1510A is amended by removing the *Technical Data* paragraph.

5. In § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and Their Manufactures), ECCN 3605A is amended by revising in paragraph (b) the phrase "not exceeding 930m²" to read "not exceeding 930cm²".

Dated: June 18, 1987.

Vincent F. DeCain,
Deputy Assistant Secretary for Export
Administration.

[FR Doc. 87-14195 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS LA SALLE

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS LA SALLE (AGF-3) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a

naval command ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 10, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS LA SALLE (AGF-3) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I sec. 2(a)(j)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS LA SALLE	AGF-3							x	54

Dated: June 10, 1987.

James H. Webb, Jr.,
Secretary of the Navy.

[FR Doc. 87 14155 Filed 6-22-87; 8:45am]

BILLING CODE 3810--AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS SAN JACINTO

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS SAN JACINTO (CG-56) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special

function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 11, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS SAN JACINTO (CG-56) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified

that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706--[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, section 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, section 3(a)	Percentage horizontal separation attained
USS SAN JACINTO.	CG-56						X	X	38

Dated: June 11, 1987.

[FR Doc. 87-14156 Filed 6-22-87; 8:45 am]

BILLING CODE 3810-AE-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

[Docket No. CRT 87-3-87MRA]

1987 Adjustment of the Mechanical Royalty Rate; Correction

AGENCY: Copyright Royalty Tribunal.
ACTION: Final rule; correction.

SUMMARY: The Tribunal is correcting an error in the preamble and an error in the final rule regarding adjusting the mechanical royalty rate every two years, from 1987 to 1997, which appeared in the *Federal Register* on June 15, 1987 (52 FR 22637).

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th

Street NW., Suite 450, Washington, DC 20036. (202) 653-5175.

SUPPLEMENTARY INFORMATION: The Tribunal promulgated regulations providing for adjusting the mechanical royalty rate every two years, from 1987 to 1997, on June 15, 1987 (52 FR 22637). The preamble contained an error and the final rule contained an error which are corrected by this notice.

1. In the first paragraph in the Supplementary Information section on page 22637, the Tribunal said, "The adjustment would be based solely upon changes in the Consumer Price Index (CPI), except when the CPI has declined, in which case the mechanical rate would remain the same * * *." That sentence is corrected to read, "The adjustment would be based solely upon changes in the Consumer Price Index (CPI) except when the CPI has declined, in which case the mechanical rate would go no lower than the 5 cents/.95 cent rate established in § 307.3(c) * * *."

PART 307--[AMENDED]

§ 307.3 [Amended]

2. Section 307.3(e)(2), on page 22637, column 3, is correctly revised to read as follows:

* * * * *

(2) On the same date as the notice is published pursuant to paragraph (e)(1) of this section, the CRT shall publish in the *Federal Register* revised compulsory license royalty rates which shall adjust the amounts then in effect pursuant to § 307.3(d) or this paragraph (e), as the case may be, in direct proportion to the percent change in the CPI determined as provided in paragraph (e)(1) of this section, rounded to the nearest 1/20 th of a cent; *Provided*, however, that:

(i) The adjusted rates shall be no greater than 25% more than the rates then in effect; and

(ii) The adjusted rates shall be no less than the amounts set forth in § 307.3(c).

* * * * *

Dated: June 18, 1987.

J.C. Argetsinger,
Chairman.

[FR Doc. 87-14197 Filed 6-22-87; 8:45 am]

BILLING CODE 1410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42089; FRL-3221-7]

Testing Consent Order on 3,4-Dichlorobenzotrifluoride and Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document announces that EPA has signed an enforceable Testing Consent Order with Occidental Chemical Corp. in which Occidental has agreed to perform certain chemical fate and environmental effects tests on 3,4-dichlorobenzotrifluoride (DCBTF). DCBTF is added to the list of Testing Consent Orders in Subpart C of Part 799 for which the export notification requirements of 40 CFR Part 707 apply. This document constitutes EPA's response to the Interagency Testing Committee's (ITC) recommendation that EPA consider health effects, chemical fate, and environmental effects testing of DCBTF.

EFFECTIVE DATE: June 23, 1987.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460, (202) 554-1404.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR Part 790, Occidental Chemical Corp. has entered into a Testing Consent Order with EPA in which Occidental has agreed to perform certain chemical fate and environmental effects testing of DCBTF. This rule amends Subpart C of 40 CFR Part 799 to add DCBTF to the list of chemical substances and mixtures subject to Testing Consent Orders.

I. ITC Recommendation

In its 14th Report to EPA, published in the Federal Register of May 29, 1984 (49 FR 22389), the ITC recommended that DCBTF (CAS No. 328-84-7) be considered for health effects, chemical fate, and environmental effects testing. The ITC did not designate DCBTF for EPA response within 12 months. The health effects testing recommended by

the ITC included toxicokinetics, genotoxicity, subchronic toxicity, and chronic toxicity (including oncogenicity). Chemical fate testing included water solubility, octanol/water partition coefficient, soil mobility, and persistence. The recommended environmental effects testing included acute and chronic toxicity to fish, aquatic invertebrates and algae, and bioconcentration.

II. Testing Consent Order Negotiations

In the Federal Register of July 2, 1986 (51 FR 24222), and in accordance with the procedures established in 40 CFR 790.28, EPA requested persons interested in participating in or monitoring testing negotiations on DCBTF to contact the Agency. EPA held public meetings with interested parties on July 18 and September 3, 1986, to discuss the testing appropriate for DCBTF. On June 10, 1987 EPA and Occidental Chemical Corp. signed a Testing Consent Order. Under the Order, Occidental agreed to conduct or provide for the conduct of the following tests: Algal toxicity, acute toxicity to gammarid, acute toxicity to fathead minnow, acute toxicity to rainbow trout, early life-stage toxicity to rainbow trout, and a biodegradability test. The specific test standards to be followed and the testing schedule for each test were included in the Order. Procedures for submitting study plans, modifying the Order, monitoring the testing and other provisions were also included in the Order as specified in 40 CFR 790.60.

III. Use and Exposure

DCBTF is a clear liquid with a water solubility of 11.6 mg/l and a vapor pressure of 1.6 mm Hg at 20°C (Refs. 1 and 2). The estimated log octanol-water partition and log soil adsorption coefficients are both 4.4 (Ref. 3).

DCBTF is manufactured by Diaz Chemical Co. and Occidental Chemical Corp. (Ref. 4). The production volumes were submitted as confidential business information (CBI) under section 8(a) of TSCA. American Hoechst Corp., Rhone-Poulenc, Inc. and Mercantile Development Inc. import DCBTF (Ref. 4). These volumes also were submitted to the Agency as CBI.

DCBTF is used as a herbicide intermediate. Rohm and Haas uses it to make acifluorfen (Blazer®) and oxyfluorfen (Goal®); Rhone-Poulenc uses it to make acifluorfen (Tackle®).

The State of New York limits Occidental's releases of DCBTF from all outfalls to a combined total of 3 lb/day. Occidental is also required to monitor its discharges for DCBTF. Recent monitoring reports have shown that

DCBTF is not present at concentrations up to the detection limit of 1 ug/l (Refs. 5 and 6). Based upon environmental release models, the Agency predicted that substantial amounts of DCBTF were discharged to a receiving stream as a result of Diaz's manufacture and disposal processes (Ref. 7). Since the onset of negotiations with industry, Diaz has substantially reduced its discharge of DCBTF.

No monitoring data on workplace exposure are available. Although DCBTF is manufactured and processed using closed systems, some dermal exposure of approximately 40 workers may occur during collecting and disposing of wastes and during loading/unloading (Ref. 4). Manufacturers and processors have stated that these potential exposures are incidental.

IV. Testing Program

A. Chemical Fate and Environmental Effects

The 96-hour LC50 for *Daphnia magna* was 0.33 mg/l, and the geometric mean of the MATC (maximum acceptable toxicant concentration) from a 21-day life cycle test was 0.060 mg/l (Refs. 8 and 9). These data are sufficient to demonstrate that DCBTF is very toxic to at least one species, but are inadequate to fully characterize the aquatic toxicity of DCBTF. Additional testing to determine the acute toxicity to algae, at least one other invertebrate, and two species of fish is needed. A test to estimate the chronic toxicity to fish is also needed in order to assess the potential long-term hazard of DCBTF to the aquatic environment. Occidental has agreed to perform these tests.

The Agency has reviewed the available information on the water solubility, octanol/water partitioning, and soil mobility of DCBTF and determined that it is adequate. There are no available test data on the persistence of DCBTF, however, and Occidental has agreed to perform biodegradability testing in order to allow EPA to estimate its persistence in receiving waters.

B. Health Effects

The Agency has reviewed the available health effects data on DCBTF and determined it has low acute and subchronic toxicity. Based upon the available mutagenicity data, the Agency has no reason to suspect that DCBTF is a mutagen or is likely to be oncogenic; additional testing for these effects is not warranted.

A modified, 90-day, oral reproductive toxicity study in rats was submitted to EPA (Ref. 10). EPA evaluated this study

and found it inadequate to support additional testing for reproductive effects under current use conditions (Refs. 3 and 11). While the study indicated that DCBTF may effect pup survivability to some extent, EPA considers this study to provide only weak cause of suspicion of reproductive effects. In light of the low worker exposure potential and only weakly suggestive evidence of reproductive effects, the Agency has determined that additional reproductive effects testing is not warranted under section 4(a) of TSCA at this time. This is in contrast to a situation in which the Agency has evidence that the hazard is potentially severe.

V. Export Notification

The issuance of this Order subjects any person who exports or intends to export DCBTF to the export notification requirements of section 12(b) of TSCA. The specific requirements are listed in 40 CFR Part 707. In the June 30, 1986 Interim Rule establishing the Testing Consent Order process, EPA added and reserved Subpart C of Part 799 for a listing of testing consent orders issued by EPA. This listing serves as notification to persons who export or who intend to export chemical substances or mixtures which are the subject of testing consent orders that 40 CFR Part 707 applies.

VI. Public Record

EPA has established a record for this document (docket number OPTS-42089). This record contains the basic information considered by the Agency in developing this document and the Testing Consent Order.

This record includes the following information:

A. Supporting Documentation

- (1) Testing Consent Order between Occidental and the Agency.
- (2) Federal Register notices pertaining to this notice consisting of:
 - (a) Notice containing the ITC recommendation of DCBTF to the Priority List (49 FR 22389; May 29, 1984).
 - (b) Rules requiring TSCA sections 8(a) and 8(d) reporting on DCBTF (50 FR 11695, 50 FR 11697; March 25, 1985).
 - (c) Notice soliciting interested parties for developing a consent order for DCBTF (51 FR 24222; July 2, 1986).
 - (d) Notice of interim final rule on procedures for developing enforceable consent agreements (51 FR 23708; June 30, 1986).
 - (3) Communications consisting of:
 - (a) Written letters.
 - (b) Contact reports of telephone conversations.
 - (c) Meeting summaries.

(4) Reports—published and unpublished factual materials.

B. References

- (1) Occidental Chemical Corp. Solubility of 3,4-dichlorobenzotrifluoride in water (1980).
- (2) Hooker Chemicals and Plastics Corp. 3,4-dichlorobenzotrifluoride, data sheet 343-A (June 1980).
- (3) Syracuse Research Corp. Technical support document, 3,4-dichlorobenzotrifluoride. Contract No. 68-02-4209 (Oct. 31, 1985).
- (4) U.S. Environmental Protection Agency (EPA). Engineering report of exposure and release analysis, 3,4-dichlorobenzotrifluoride. Memorandum by M. Chatmon. Document Control No. 20-8600530 (March 4, 1986).
- (5) Foersh, P. New York State Department of Environmental Conservation. Transcribed telephone conversation with S. Ellis, Test Rules Development Branch, U.S. EPA (Feb. 25, 1986).
- (6) Stack, J. New York State Department of Environmental Conservation. Transcribed telephone conversation with S. Ellis, Test Rules Development Branch, U.S. EPA (Sept. 8, 1986).
- (7) U.S. EPA. Estimated environmental concentrations of dichlorobenzotrifluoride. Memorandum by P. Harrigan. Document Control No. 20-8601005 (April 16, 1986).
- (8) Occidental Chemical Corp. The acute toxicity of 3,4-dichlorobenzotrifluoride to the water flea, *Daphnia magna* Straus (1979).
- (9) Occidental Chemical Corp. *Daphnia magna* chronic study testing 3,4-dichlorobenzotrifluoride (1979).
- (1) Occidental Chemical Corp. Modified 90-day gavage and reproduction study in rats: 3,4-DCBTF (1981).
- (11) Research and Evaluation Associates, Inc. Review of M-11, 3,4-dichlorobenzotrifluoride (March 26, 1986).

Confidential Business Information (CBI), while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the OTS Public Information Office, Rm. NE-G004, 401 M St., SW., Washington, DC from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

List of Subjects in 40 CFR Part 799

Testing procedures, Environmental protection, Hazardous substances, Chemicals, Chemical export, Recordkeeping and reporting requirements.

Dated: June 10, 1987.

J.A. Moore,
Assistant Administrator for Pesticides and Toxic Substances.

PART 799—[AMENDED]

Therefore, 40 CFR Part 799 is amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding a new Subpart C, consisting at this time of §799.5000 to read as follows:

Subpart C—Testing Consent Orders

§799.5000 Testing consent orders.

This section sets forth a list of substances and mixtures which are the subject of testing consent orders adopted under 40 CFR Part 790. Listed below in Chemical Abstract Service (CAS) Registry Number order are the substances and mixtures which are the subject of these orders and the Federal Register citations providing public notice of such orders.

CAS number	Substance or mixture name	TESTING	FEDERAL REGISTER citation
328-84-7	3,4-Dichlorobenzotrifluoride.	Environmental Effects Chemical Fate.	June 23, 1987.

[FR Doc. 87-14231 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6649

[CO-943-07-4220-10; C-0124534]

Withdrawal of Public Lands and Reserved Minerals for Protection of Fort Carson—Pinon Canyon Military Reservation, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 2,517 acres of public lands from surface entry and mining, and approximately 141,555 acres of reserved mineral interests in acquired lands to mining for a period of 5 years. This will protect the Fort Carson—Pinon Canyon Military Reservation pending the processing of an Engle Act withdrawal application. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: June 23, 1987.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215 303-236-1768.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location and entry under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws, to protect lands pending action on an Engle Act withdrawal application:

Sixth Principal Meridian

T. 30 S., R. 59 W.,
Sec. 6, lot 4;
Sec. 31, lot 2.
T. 30 S., R. 60 W.,
Sec. 8, N $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$;
Sec. 12, S $\frac{1}{2}$;
Sec. 13, N $\frac{1}{2}$;
Sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 22, NW $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
and SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 2,517 acres of public land in Las Animas County and are within the boundary of the Pinon Canyon Maneuver Site.

2. Subject to valid existing rights, the reserved mineral interests in the following identified lands are hereby withdrawn from the United States mining laws (30 U.S.C. Ch. 2), but not from the mineral leasing laws:

Sixth Principal Meridian

Tps. 17, 18 and 19 S., R. 66 W.,
Tps. 17 and 18 S., R. 67 W.,
T. 18 S., R. 68 W.

The areas identified aggregate approximately 11,415 acres of reserved minerals in El Paso, Fremont, and Pueblo Counties and are within the boundary of the Fort Carson Army Base. Complete descriptions of these lands were published in the *Federal Register* on June 21, 1983, at pages 28343 and 28344 (48 FR 38343, 38344) and are also available in the Colorado State Office, Bureau of Land Management.

3. Subject to valid existing rights, the reserved mineral interests in the following identified lands are hereby withdrawn from the United States mining laws (30 U.S.C. Ch. 2) but not from the mineral leasing laws:

Sixth Principal Meridian

T. 28 S., Rs. 55, 56, 57, 58 and 59 W.,
T. 29 S., Rs. 56, 57, 58, 59 and 60 W.,
T. 30 S., Rs. 57, 58, 59 and 60 W.,
T. 31 S., Rs. 58, 59 and 60 W.

The areas identified aggregate approximately 130,140 acres of reserved minerals in Las Animas County and are within the boundary of the Pinon Canyon Maneuver Site. Complete

descriptions of these lands were published in the *Federal Register* on September 1, 1983, at pages 39703 and 39704 (48 FR 39703, 39704) and are also available in the Colorado State Office, Bureau of Land Management.

4. The lands identified in paragraphs 2 and 3 are already a part of the military reservation and are not subject to operation of the public land laws because the surface estate has been acquired by the United States.

5. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

6. This withdrawal will expire 5 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

J. Steven Griles,
Assistant Secretary of the Interior.

June 16, 1987.

[FR Doc. 87-14245 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6650

[WY-931-07-4220-10; W-87233]

Withdrawal of Public Land for Sugarloaf Petroglyphs and Pine Spring Archeological Sites, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 20 acres of public land from surface entry and mining to protect the Sugarloaf Petroglyphs and Pine Spring Archeological sites. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: June 23, 1987.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-772-2072.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws,

to protect two Bureau of Land Management archeological sites.

Sixth Principal Meridian

T. 14 N., R. 107 W.,
Sec. 27, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 14 N., R. 109 W.,
Sec. 19, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 20 acres in Sweetwater County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

J. Steven Griles,
Assistant Secretary of the Interior.

June 16, 1987.

[FR Doc. 87-14246 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-22-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 94

[CC Docket No. 86-383; FCC 87-144]

Common Carrier Bureau; Emission Mask Standard for Digital Termination Systems (DTS)

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The F.C.C. has adopted emission mask regulations that are applicable to the Digital Termination System (DTS) equipment specified in §§ 21.106(a)(3) and 94.71(c)(3) of the Commission's Rules and concluded, *inter alia*, that reduced cost and enhanced performance is achievable as a result of adoption of these final rules; that the likelihood that harmful interference to adjacent channels will occur is negligible, and that the cost imposed by the present emission mask standard outweighs any benefit gained in terms of added interference protection for users of adjacent channels.

EFFECTIVE DATE: July 13, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Donald L. McClure, Domestic Facilities Division, Common Carrier Bureau (202) 634-1774.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Final Rules, CC Docket No. 86-383; RM-4838; FCC 87-144, adopted April 15, 1987 and released May 27, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of M, O & O

On October 10, 1986, the F.C.C. released a *Notice* in this docket seeking to confirm that the reduced cost and enhanced performance of Digital Termination System (DTS) equipment, which could result from relaxing the present emission mask, can be achieved without a significant increase in interference to adjacent channels. In the *Notice*, comments were requested on several subjects, including: what, if any, cost savings can be achieved in manufacturing DTS equipment using the proposed mask; what is the likelihood that harmful interference to adjacent channels will occur as a result of adoption of the proposed mask, and whether the cost imposed by the present standard outweighs its benefits.

The F.C.C. concluded, *inter alia*, that adoption of the proposed emission mask would have the effect of significantly reducing the cost while enhancing the performance of DTS equipment. This result is possible because the proposed mask is a less stringent standard than the present mask; therefore, less expensive DTS equipment i.e., transceivers, can be designed to provide Digital Electronic Message Service (DEMS). Also, the relaxed mask will permit new and/or present DTS equipment to operate at higher output power levels, if Phase Shift Keying (PSK) modulation is utilized, or at higher data transmission rates if Frequency Shift Keying (FSK) modulation is utilized. These improvements will enable DTS operators to provide DEMS with fewer nodal stations which should result in lower cost and better service to the public.

Moreover, the F.C.C. further concluded that the probability of harmful interference to adjacent channels occurring as a result of

adoption of the proposed mask is negligible. Several factors influenced the Commission's decision on this issue.

First, it concluded that NEC's calculations, leading to the conclusion that deadzones around DTS nodal stations would be greatly expanded, was based on the incorrect assumption that emissions from M/A-COM's DTS transmitter continue to attenuate below 80 dB at the same rate that they attenuate from 50 dB to 80 dB. Second, NEC ignored the approximate 80 dB "noise floor" caused by phase noise in microwave cavity oscillators. It is generally accepted in the microwave oscillator industry that it is not cost effective to attempt to suppress microwave emissions below an approximately 80 dB noise floor with the expression $A = 80 \text{ dB} + 10 \log_{10} N$ defining the maximum in realistic attenuation levels, where N is the number of discrete transmitters operating in the DTS band. The 10 log₁₀ N factor takes into consideration the additive effect of noise generated by multiple transmitters operating in the same DTS band. Taking into consideration the approximate 80 dB "noise floor" we calculated that the additional interference (noise) between non-co-located DTS nodal stations which could result from adoption of the proposed mask is 5.3 dB, rather than 24 dB. We also determined that even for the 5.3 dB level of increased interference to occur that DTS nodal stations must be non-co-located (co-located stations would not encounter interference because of the opposing polarizations employed by the different antennas and out-of-band suppression achieved by the respective transmitters used); that the associated DTS subscriber station and DTS nodal station and unassociated DTS station (i.e., interfering station) must all be within the same 3° beamwidth of the highly directional antenna used with a DTS subscriber station. Also, the DTS nodal station must be operating not merely on adjacent channels, but adjacent subchannels for interference to occur. Finally, we calculated that the likelihood or probability of all of these conditions happening simultaneously is approximately 0.2%. Hence, we concluded that the likelihood of increased interference to adjacent channels occurring as a result of adoption of the proposed mask is negligible.

Finally, the F.C.C. concluded that the cost imposed by the present standard outweighs any benefit afforded by the standard in terms of added interference protection on adjacent channels, i.e., the added cost imposed on DTS equipment

to eliminate a 0.2% probability of interference on adjacent channels is not justified.

Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities because it does not impose a more severe emission mask regulation, but rather a less severe standard that should reduce the cost of DTS equipment and promote the further development of the Digital Electronic Message Service (DEMS).

Ordering Clauses

Authority for this rulemaking is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Accordingly, it is ordered, that §§ 21.106(a)(3) and 94.71(c)(3) of the Commission's Rules and Regulations is amended as specified in the paragraphs set forth below effective July 13, 1987.

List of Subjects**47 CFR Part 21**

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Part 94

Communications equipment, Radio, Reporting and recordkeeping requirements.

Part 21 of Title 47 of the Code of Federal Regulations is to be amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

1. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 21.106 is amended by revising paragraph (a)(3) and adding paragraph (a)(4) to read as follows:

§ 21.106 Emission limitations.

(a) * * *

(3) For Digital Termination System channels used in the Digital Electronic Message Service (DEMS) operating in the 10,550-10,680 MHz band:

(i) In any 4 kHz band, the center frequency of which is removed from the edge of the DEMS channel by up to and including 1.125 times the DEMS

subchannel bandwidth: As specified by the following equation shall in no event be less than $50 + 10 \log_{10} N$ decibels.

$$A = 50 + 0.0333 (F - 0.5B) + 10 \log_{10} N \text{ decibels}$$

Where:

A=Attenuation (in decibels) below means output power level contained within the DEMS channel for a given polarization.

B=Bandwidth of DEMS channel (in kHz).

F=Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the DEMS channel (in kHz).

N=Number of active subchannels of the given polarization within the DEMS channel.

(ii) In any 4 kHz band within the authorized DEMS band the center frequency of which is removed from the center frequency of the DEMS channel by more than the sum of 50% of the DEMS channel bandwidth plus 1.125 times the subchannel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$$A = 80 + 10 \log_{10} N \text{ decibels}$$

(iii) In any 4 kHz band the center frequency of which is outside the authorized DEMS band:

At least $43 + 10 \log_{10}$ (mean output power in Watts) decibels.

(4) For Digital Termination System channels used in the Digital Electronic Message Service (DEMS) operating in the 17,700–19,700 MHz band:

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the DEMS channel by more than 50 percent of the DEMS channel bandwidth up to and including 50 percent plus 500 kHz: As specified by the following equation but in no event be less than $50 + 10 \log_{10} N$ decibels.

$$A = 50 + 0.06 (F - 0.5B) + 10 \log_{10} N \text{ decibels}$$

Where:

A=Attenuation (in decibels) below mean output power level contained within the DEMS channel for a given polarization.

B=Bandwidth of DEMS channel (in kHz).

F=Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the DEMS channel (in kHz).

N=Number of active subchannels of the given polarization within the DEMS channel.

(ii) In any 4 kHz band within the authorized DEMS band, the center frequency of which is removed from the center frequency of the DEMS channel by more than the sum of 50 percent of the channel bandwidth plus 500 kHz: as specified by the following equation but in no event less than 80 decibels.

$$A = 80 + 10 \log_{10} N \text{ decibels}$$

(iii) In any 4 kHz band the center frequency of which is outside the

authorized Digital Message Service band:

At least $43 + 10 \log_{10}$ (mean output power in Watts) decibels.

* * * * *

Part 94 of Title 47 of the Code of Federal Regulations is to be amended as follows:

PART 94—PRIVATE OPERATIONAL—FIXED MICROWAVE SERVICE

1. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082; 47 U.S.C. 154, 303.

2. Section 94.71 amended by revising paragraph (c)(3) and adding paragraph (c)(4) to read as follows:

§ 94.71 Emission and bandwidth limitations.

* * * * *

(c) * * *

(3) For Digital Transmission System channels operating in the 10,550–10,680 MHz band:

(i) In any 4 kHz band, the center frequency of which is removed from the edge of the Digital Termination System (DTS) channel by to up and including 1.125 the DTS subchannel bandwidth: as specified by the following equation but in no event be less than $50 + 10 \log_{10} N$ decibels.

$$A = 50 + 0.0333 (F - 0.5B) + 10 \log_{10} N \text{ decibels}$$

Where:

A=Attenuation (in decibels) below mean output power level contained within the DTS channel for a given polarization.

B=Bandwidth of DTS channel (in kHz).

F=Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the DTS channel (in kHz).

N=Number of active subchannels of the given polarization within the DTS channel.

(ii) In any 4 kHz band within the authorized DTS band, the center frequency of which is removed from the center frequency of the channel by more than the sum of 50% of the DTS channel bandwidth plus 1.125 times the subchannel bandwidth: as specified by the following equation but in no event less than 80 decibels.

$$A = 80 + 10 \log_{10} N \text{ decibels}$$

(iii) In any 4 kHz band the center frequency of which is outside the authorized DTS band:

At least $43 + 10 \log_{10}$ (mean output power in watts) decibels.

(4) For Digital Termination System channels operating in the 17,700–19,700 MHz band:

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the DTS channel by more than 50 percent of the DTS channel bandwidth up to and including 50 percent plus 500 kHz: as specified by the following equation but in no event be less than $50 + 10 \log_{10} N$ decibels.

$$A = 50 + 0.06 (F - 0.5B) + 10 \log_{10} N \text{ decibels}$$

Where:

A=Attenuation (in decibels) below output power level contained within the DTS channel for a given polarization.

B=Bandwidth of DTS channel (in kHz).

F=Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the DTS channel (in kHz).

N=Number of active subchannels of the given polarization within the DTS channel.

(ii) In any 4 kHz band within the authorized DTS band, the center frequency of which is removed from the center frequency of the DTS channel by more than 50% of the channel bandwidth plus 500 kHz: as specified by the following equation but in no event less than 80 decibels:

$$A = 80 + 10 \log_{10} N \text{ decibels}$$

(iii) In any 4 kHz band the center frequency of which is outside the authorized DTS band:

At least $43 + 10 \log_{10}$ (mean output power in Watts) decibels.

* * * * *

William J. Tricarico,

Secretary.

[FR Doc. 87-14177 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-842; FCC 87-184]

Radio Broadcasting; Fraudulent Billing and Network Clipping; Elimination of Unnecessary Regulation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: As part of its broadcast "underbrush" proceeding to eliminate unnecessary regulation, the Commission in March of 1986 eliminated its policies with respect to Fraudulent Billing and Network Clipping [§§ 73.1205 and 73.4115]. This action denies a Petition for Reconsideration of that action submitted by the Telecommunications Research and Action Center ("TRAC").

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James A. Hudgens, Office of Plans and Policy, (202) 653-5940.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* in MM Docket 83-842, FCC 87-184, adopted May 14, 1987, and released June 11, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., Suite 140, 2100 M Street, NW., Washington, DC 20037. Telephone number (202) 857-3800.

Summary of Memorandum Opinion and Order

1. TRAC's Petition for Reconsideration requested that the Commission's action eliminating the Fraudulent Billing and Network Clipping rules be set aside. TRAC's principal arguments were: that the Commission's action ignores that broadcast licensees are held to public trustee obligations; that Section 309 of the Communications Act requires that the Commission investigate and resolve questions of fraud; and that the Commission has not shown that enforcement of the rules is burdensome or that alternatives will deter licensee misconduct.

2. The *Order* noted that most of TRAC's arguments already were made in its initial comments filed in this proceeding and were adequately treated in the Commission's earlier action. Moreover, subsequent to the filing of the instant Petition for Reconsideration, the Court of Appeals affirmed the Commission's authority to eliminate unnecessary regulations governing licensee business practices and to rely upon licensee discretion, marketplace forces, and other enforcement fora (*TRAC v. FCC and U.S.*, 800 Fed. 2d 1181, D.C. Cir. (1986)).

3. The *Order* rejected TRAC's arguments, determining that the Commission had not ignored the public trustee concept but rather had eliminated these obligations it considered unnecessary; that the Commission was not condoning such practices but was initially referring allegations of violations to more appropriate fora but, in the event of convictions, ultimately would review

such activities; that section 309 does not require that the Commission take action in the first instance; and that the administrative cost of retaining the rules constitutes an unnecessary burden in light of other satisfactory means of deterring this type of licensee misconduct. In sum, the rules were not statutory in nature and the Commission was well within its discretion in eliminating them.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-14176 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 61220-7033]

Groundfish of the Gulf of Alaska; Closure

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the share of the sablefish target quota (TQ) allocated to trawl gear in the West Yakutat District of the Gulf of Alaska has been achieved. Retention of sablefish by trawl vessels fishing in the West Yakutat District after 12:00 noon on June 20, 1987, is prohibited. This action is necessary to limit the trawl harvest of sablefish in the West Yakutat District to the amount that is permissible under Federal regulations implementing the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This closure is a management measure intended to allocate the sablefish resource between hook-and-line and trawl gear in the West Yakutat District.

DATES: This notice is effective at 12:00 noon, Alaska Daylight Time (ADT), June 20, 1987, until midnight, December 31, 1987. Public comments are invited on this closure until July 5, 1987.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service, P.O. Box 021668, Juneau, Alaska 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m., Monday through

Friday) at the Alaska Regional Office, NMFS, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Resource Management Specialist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMP are at 50 CFR Part 672. Section 672.2 of the regulations defines the Western, Central and Eastern Regulatory Areas in the Gulf of Alaska. This section also defines the regulatory districts of the Eastern Regulatory area, one of which is the West Yakutat District. The fishery is directed at an optimum yield for all groundfish species equal to 116,000-800,000 metric tons (mt). Under the procedure set forth at § 672.20(a), 1987 TQs were established for each of the groundfish species, which were then apportioned among the regulatory areas or districts. One of the species is sablefish, for which the 1987 TQ in the West Yakutat District is 4,000 mt (52 FR 785, January 9, 1987).

Section 672.24(b)(1) restricts the trawl catch of sablefish in the Eastern Regulatory Area to 5 percent of the TQ of 8,200 mt. The Eastern Regulatory Area is divided into two districts, one of which is the West Yakutat District; 5 percent of its TQ of 4,000 mt is 200 mt. Under § 672.24(b)(3)(ii), if the share of the sablefish TQ assigned to any type of gear for any area or district is reached, further catches of sablefish must be treated as prohibited species by persons using that type of gear for the remainder of the year.

This closure will be effective at 12:00 noon ADT June 20, 1987, and after it has been publicized for 48 hours pursuant to the Cooperative Enforcement Agreement between the Government of the United States and the State of Alaska, dated December 20, 1978. Public comments on this notice may be submitted to the Regional Director at the address above for 15 days following its effective date. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the *Federal Register*, either confirming this closure's continued effect, modifying it, or rescinding it.

Classification

Allocation of the sablefish resource between hook-and-line and trawl gear in the West Yakutat District and the continued health of all components of

the sablefish fishery will be jeopardized unless this notice takes effect promptly. NOAA, therefore, finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed. This action is

taken under §§ 672.22 and 672.24 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 18, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-14264 Filed 6-18-87; 4:38 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 350

Disclosure of Financial and Other Information by FDIC Insured State Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation (the "FDIC") is proposing a new regulation that would require state-chartered FDIC insured commercial and savings banks that are not members of the Federal Reserve System ("insured state nonmember banks") to provide basic information about themselves to shareholders, borrowers, depositors and others to whom they offer banking services. A disclosure statement would be required by February 15, or March 1 for banks with foreign offices, each year and would include pertinent financial data for the previous two years and, at the option of the bank, a management discussion and analysis section.

DATES: Comments on the proposal must be received by August 24, 1987.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand delivered to Room 6108 on business days between 8:30 a.m. and 5:00 p.m. Comments may also be inspected in Room 6108 between 8:30 a.m. and 5:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: William P. Carley or Robert F. Storch, Planning and Program Development Specialists, Division of Bank Supervision, FDIC, (202) 898-6903.

SUPPLEMENTARY INFORMATION:

Purpose

Uninterrupted banking services are indispensable to the sustained economic growth of, and avoidance of losses by, many depositors, borrowers and other

bank customers. The crucial reliance that these individuals and institutions place on the banks with which they establish a relationship and the banks' willingness to accept this responsibility create a reasonable expectation for banks to provide, and customers to rightfully anticipate, periodic information suitable for determining whether that important relationship should be established or continued. Additionally, the availability of financial and related information on a greater number of individual banks will strengthen the FDIC's bank safety and soundness goals by increasing public knowledge about and confidence in sound banks and the Nation's banking system. Accordingly, the FDIC is proposing that an insured state nonmember bank make basic information about itself publicly available.

Contents

The proposal's substantive provisions would require that a bank make available minimum information that it can readily and easily compile. Required information would be comparable to those schedules of the respective bank's Consolidated Reports of Condition and Income ("Call Reports") filed for the preceding two year-ends with the FDIC that display the bank's balance sheet, income statement, past due and nonaccrual loans and leases, changes in equity capital or net worth, and loan charge-offs and recoveries. Also, the proposal suggests that a bank add a narrative description of those events to which management believes readers will attach significance. The proposal points out that in some instances administrative orders issued by the FDIC could require that the annual disclosure statements include a description of the facts pertaining to administrative enforcement actions taken against the respective banks or related parties.

For purposes of complying with the proposal's financial data provisions, a bank could elect to provide copies of pertinent parts of its Call Reports rather than preparing separate comparable tabulations. Also, a bank could elect to furnish comparable data taken from financial statements prepared in accordance with generally accepted accounting principles. Banks with a class of securities registered in

accordance with the Securities Exchange Act of 1934 could use the annual report required pursuant to regulations under that Act to satisfy the financial data and narrative discussion provisions of the proposal.

As to the narrative section, the proposal suggests that management might consider, but is not limited to, information pertaining to the financial data, mergers and acquisitions, the existence of or underlying facts relating to enforcement actions, business plans, and material changes in balance sheet and income statement items. The proposal also states that, on a case-by-case basis, an FDIC order resulting from an administrative enforcement action may contain provisions requiring the respective bank to include in its annual disclosure statement a description of the administrative action.

In regard to timing and frequency, the proposal would require that disclosure statements be made available annually by February 15 by banks whose Call Reports are due within 30 days after the previous year-end and by March 1 by those whose Call Reports, as a consequence of the bank having more than one foreign office, are due within 45 days after the year-end. Because of their proximity to the due dates for year-end Call Reports, the February 15 and March 1 dates provide for timely public availability and at the same time hold preparation burdens to a minimal level by allowing data recently compiled for other purposes to serve as the basis for a major part of a disclosure statement.

The FDIC considered proposing disclosures more frequently than once a year, particularly of interim significant events that would normally be appropriate for discussion in the management narrative section. In the interest of minimizing burdens, the proposal does not cover interim disclosures and, consequently, leaves the question of interim disclosures to management's discretion. However, the FDIC is specifically requesting commenters to provide suggestions concerning the appropriate frequency of disclosures.

Consideration was given also to proposing that the disclosure statements be mailed routinely to most of the bank's customers and shareholders. That alternative, however, was tentatively rejected in the interest of restraining costs and administrative

burdens. Instead, the proposal would require that disclosure statements be provided on request. Persons with a potential interest in receiving disclosures would be informed of the availability of the documents by means of lobby posters and notices included in the announcement of the annual meeting sent to shareholders. The bank would be required to provide at least one copy of the disclosure statement free of charge to each person making a request, and the means of transmitting the documents is left to the bank's discretion. The FDIC is specifically requesting comments concerning the proposed procedures for distribution of disclosure statements by banks.

Background

The FDIC previously published a proposed statement of policy on the disclosure of financial and related information by FDIC insured banks in the June 29, 1984 *Federal Register* (49 FR 26809) (the "1984 proposal"). During the public comment period on that proposal, the Office of the Comptroller of the Currency published an Advance Notice of Proposed Rulemaking that pointed toward the possible establishment of a system of in-depth disclosures by all national banks. To avoid differences between the substantive provisions that could have been adopted by the two agencies, the 1984 proposal was not adopted and, instead, the staffs of the two agencies have worked to develop a common approach.

Public comments on each of the agencies' earlier proposals have been taken into account in preparing the current proposal. To assist commenters in presenting their views, FDIC's tentative thoughts on certain fundamental issues raised in comments on the 1984 proposal are summarized below.

Some of the earlier comments held that bank disclosures would not serve a useful purpose. Arguments were made that uninsured depositors are, on their own, already receiving all the information they want and small depositors, because of FDIC deposit insurance, are not interested in bank disclosures. On this point, the FDIC observes that many small, *i.e.*, fully insured, depositors are business firms or professional individuals who maintain deposits as a part of a borrowing relationship with the bank. In such instances, the continued and uninterrupted flow of credit and banking services may be of equal or greater importance than the loss of deposit balances. Accordingly, the FDIC believes that many small depositors

have the incentive for analyzing and acting on bank disclosures.

Comments were received to the effect that most individuals would not be capable of understanding the disclosed information and that the news media would distort the reported facts. As to a reader's inability to understand the disclosures, the proposal suggests that management include in the disclosures a discussion of the financial information and other events. FDIC would expect management to view this discussion section as an opportunity to provide a descriptive and balanced presentation that would assist the reader in attaching appropriate significance to the various items of financial information and reaching sound and meaningful conclusions. As to the news media, the FDIC notes that bank holding companies and banks that have securities registered with the Securities and Exchange Commission or the bank regulatory agencies have made public disclosures more comprehensive than those called for by the 1984 and present proposals with no pattern of distorted reporting by the media.

Objections were raised to the 1984 proposal because it called for automatically disclosing all administrative actions. Under the present proposal, management would decide whether to include a discussion section and, assuming a discussion is provided, whether to describe enforcement actions. However, in this regard, the proposal provides that the FDIC, on a case-by-case basis, may include in an order resulting from an administrative enforcement action a provision requiring the respective bank to include a description of the enforcement action in its annual disclosure statement.

In response to comments on the 1984 proposal concerning possible costs of compliance, the present proposal would minimize costs by calling for basic financial information that is already compiled by banks for other purposes, limiting the disclosures only on request instead of by automatic recurring distributions.

Some responses to the 1984 proposal suggested that the FDIC provide an exemption for those banks included in filings by holding companies with the Securities and Exchange Commission. Inasmuch as the consolidated reports of a holding company are not necessarily indicative of the status of any one of its subsidiary banks, the present proposal does not provide a general exemption for banks included in filings with the Securities and Exchange Commission.

Issues for Comment

The FDIC seeks comments, views and data on any aspect of this proposal. Commenters are encouraged to provide suggestions that would maximize the utility of the disclosures and reduce the attendant costs and burden on banks. In order to aid its consideration of the proposal, the FDIC is soliciting specific comments on the following issues:

1. Assuming adoption of a final regulation, should the FDIC monitor banks' compliance and, if so, what prior or after the fact reviews would be cost beneficial?
2. Should any proposed disclosures be modified and should any additional disclosures, such as information on transactions with insiders, be included?
3. Should disclosures be more frequent than once a year?
4. Should any class of persons be automatically provided with disclosure statements or is the proposed notice and subsequent request method appropriate?
5. What costs (money and/or time) would be incurred in complying with the proposed regulation?

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605, the requirements of 5 U.S.C. 603 and 604 for initial and final regulatory analyses do not apply to the present proposal because the Board of Directors of the FDIC hereby certifies that the proposal, if subsequently as a final regulation, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The public disclosures that would be required by this proposed regulation are considered to be a collection of information subject to review and approval by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This proposed collection of information requirement has been submitted to OMB for review under section 3504(h) of that Act. It is estimated that public disclosure would add an annual paperwork burden of 35,200 hours, collectively, on banks subject to the proposal. Written comment regarding this proposal collection of information requirement should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Hoyle L. Robinson, Executive Secretary, FDIC, Washington, DC 20429.

List of Subjects in 12 CFR Part 350

Banks, Banking, Disclosure of information.

Proposed Regulation

For the reasons set out in the preamble, Title 12, Chapter III, Subchapter B of the Code of Federal Regulations is proposed to be amended by adding a new Part 350 as set forth below.

PART 350—DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY FDIC INSURED STATE NONMEMBER BANKS

Sec.

- 350.1 Purpose.
- 350.2 Scope.
- 350.3 Requirement for annual disclosure statement.
- 350.4 Notice and availability.
- 350.5 Contents of annual disclosure statement.
- 350.6 Alternative annual disclosure statements.
- 350.7 Signature and attestation.
- 350.8 Disclosure of examination reports.
- 350.9 Disclosure required by applicable securities law or regulations.
- 350.10 Prohibited conduct and penalties.
- 350.11 Safe harbor provision.

Authority: 12 U.S.C. 1817(a)(1), 1819 "Seventh" and "Tenth".

§ 350.1 Purpose.

Many bank shareholders, borrowers, depositors and other customers entrust their economic well-being and progress to the uninterrupted service of the institution with which they have established a banking relationship. By accepting that trust, a bank can reasonably be expected to provide, and a customer can expect, periodic information suitable for determining whether that important relationship should be established on continued. Also, public availability of financial and related information on individual banks will strengthen the FDIC's safety and soundness goals by promoting public knowledge and confidence in sound banks and the Nation's banking system and encouraging managers of banks to act prudently.

§ 350.2 Scope.

This part applies to FDIC insured state-chartered organization that are not members of the Federal Reserve System and that are required by § 304.4 (a) or (b) of this chapter to file Consolidated Reports of Condition and Income with the FDIC. For purposes of this part, the term "bank" refers to such an organization.

§ 350.3 Requirement for annual disclosure statement.

A bank whose Consolidated Reports of Condition and Income are due to be filed with the FDIC within 30 days after the previous year-end is required to prepare by February 15 each year, and a bank whose Consolidated Reports of Condition and Income are due within 45 days after the previous year-end is required to prepare by March 1 each year, an "annual disclosure statement" covering the two preceding fiscal years.

§ 350.4 Notice and availability.

(a) *Notice to shareholders.* The bank shall include with any announcement it makes of a forthcoming annual meeting of shareholders a notice that one copy of the bank's annual disclosure statement required by this part may be obtained from the bank without charge. The address, telephone number, and name of title of the bank employee or officer whom security holders may contact for the information shall be included. However, notice to shareholders of the availability of an annual disclosure statement need not be given where shareholders are routinely provided with documents prior to the annual shareholders' meeting that, at a minimum, contain information comparable to that specified in § 350.4 of this part.

(b) *Notice to borrowers, depositors and other customers.* The bank shall prominently display at all times in the lobby of its main office and each branch a notice that one copy of the bank's annual disclosure statement may be obtained from the bank without charge. The address, telephone number, and name or title of the bank employee or officer to be contacted for a copy of the Statement shall be included in the notice.

(c) *Availability of documents.* Upon receiving a request for a disclosure statement, the bank shall promptly mail or otherwise deliver at least one copy of its latest annual disclosure statement free of charge to the register.

§ 350.5 Contents of annual disclosure statement.

(a) *Information concerning financial condition and results of operations.* The annual disclosure statement required by this part shall reflect the bank's financial conditions and results of operations for the two preceding years. The annual disclosure statement may, at the option of the bank management, consist of the bank's entire Consolidated Reports of Condition and Income or applicable portions thereof, for the relevant periods. At a minimum, the statement shall specifically contain

information comparable to that provided in the following Consolidated Reports of Condition and Income schedules:

- (1) Schedule RC (Balance Sheet);
- (2) Schedule RC-N (Past Due and Nonaccrual Loans and Leases—column A covering past due 30 through 89 days and still accruing need not be included);
- (3) Schedule RI (Income Statement);
- (4) Schedule RI-A (Changes in Equity Capital—commercial banks, or Changes in Net Worth—savings banks); and
- (5) Schedule RI-B (Charge-Offs and Recoveries and Changes in Allowance for Loan and Lease Losses—commercial banks, or Charge-Offs, Recoveries, and Changes in Allowance for Loan and Lease Losses—savings banks).

(b) *Other required information.* The annual disclosure statement shall include such other information as the FDIC may require of a particular bank of administrative order. Such an order may include a requirement that a bank prepare a disclosure statement that includes a description of an administrative enforcement action where the FDIC deems it in the public interest to do so.

(c) *Other information.* The bank may, at its option, provide a narrative discussion to supplement the financial data. This narrative section could include information which bank management deems important to evaluating the overall condition of the bank. Information which management might consider discussing includes, but is not limited to, a discussion of the financial data; pertinent information relating to mergers and acquisitions; the existence of and facts relating to regulatory enforcement actions; business plans; and material changes in balance sheet and income statement items.

(d) *Disclaimer.* The following legend shall be included in any narrative section to advise the public that the FDIC has not reviewed the information contained therein: "This statement has not been reviewed, or confirmed for accuracy or relevance, by the Federal Deposit Insurance Corporation."

§ 350.6 Alternative annual disclosure statements.

In the case of a bank having a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934, the bank's annual report to security holders for meetings at which directors are to be elected (see 12 CFR 335.203) or its annual report on Form F-2 (see 12 CFR 335.312) may be used as an alternative to the required and optional information provisions of § 350.4 of this part. In addition, if the bank has audited

financial statements, such statements may also be substituted to the extent that they contain at least all of the information specified in § 350.4(a).

§ 350.7 Signature and attestation.

A duly authorized officer of the bank shall sign the annual disclosure statement.

§ 350.8 Disclosure of examination reports.

Except as permitted under specific provisions of the FDIC's regulations (12 CFR Part 309), a bank may not disclose any report of examination or report of supervisory activity or any portion thereof prepared by the FDIC. The bank also shall not make any representation concerning such report or the findings therein.

§ 350.9 Disclosure required by applicable securities law or regulations.

The requirements of this part are not intended to replace or relieve any disclosure required to be made under applicable securities law or regulations.

§ 350.10 Prohibited conduct and penalties.

(a) *Misrepresentations.* No officer, director, employee, agent, or other person participating in the affairs of a bank, shall, directly or indirectly:

(1) Disclose or cause to be disclosed false or misleading information in the annual disclosure statement, or omit or cause the omission of pertinent or required information in the annual disclosure statement; or

(2) Represent that the FDIC, or any employee thereof, has passed upon the accuracy or completeness of the disclosure statement.

(b) *Participating persons.* For purposes of this part, a person "participating in the affairs of a bank" shall include (but not be limited to) any person who provides information contained in, or directly or indirectly assists in the preparation of, the annual disclosure statement. This includes any bank holding company, and any officer, director, employee, agent, auditor or independent accountant thereof.

(c) *Enforcement actions.* Conduct which violates paragraph (a) of this section may constitute an unsafe or unsound banking practice or otherwise serve as a basis for an enforcement action by the FDIC.

§ 350.11. Safe harbor provision.

The provisions of § 350.10 shall not apply unless it is shown that the information disclosed was included without a reasonable basis or other than in good faith.

(Approved by the Office of Management and Budget under control number (application pending))

By order of the Board of Directors. Dated at Washington, DC, this 17th day of June 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-14256 Filed 6-22-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 12

[Docket No. RM87-19-000]

Electric Utilities; Classification of Dams

June 17, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend its rules governing the safety of water power projects and project works. The proposed rule would eliminate "hazard potential" as a dam classification and inspection term.

"Hazard potential" is frequently mistaken as an indication of the potential for dam failure. In order to alleviate potential confusion, the Commission is proposing to replace "hazard potential" with the term "effects classification."

The proposed rule would set forth the Commission's dam classification system in its own regulations and would eliminate citation to the Army Corps of Engineers rules. In addition, the proposed rule would codify current Commission practices regarding the frequency of dam inspections.

EFFECTIVE DATE: August 24, 1987.

FOR FURTHER INFORMATION CONTACT:

Roger E. Smith, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations governing the safety of water power projects and project works. Specifically, the Commission is proposing to replace the term "hazard potential" with the term "effects of classification." The term

"hazard potential" pertains to the potential for loss of human life or property damage in the area downstream of a dam in the event of failure or misoperation of the dam or appurtenant facilities. This term is frequently mistaken to mean that there is a potential for dam failure.

The Commission is also proposing to promulgate its own dam classification regulations instead of merely citing to the rules of the Army Corps of Engineers. In addition, the Commission is proposing to codify its current practices regarding the frequency of dam inspections.

II. Background

Under section 10(c) of the Federal Power Act,¹ the licensee of any water power project under the Commission's jurisdiction must conform to any rules that the Commission "may from time to time prescribe for the protection of life, health and property."² Part 12 of the Commission's regulations³ contain dam inspection procedures.⁴ The Commission classifies dams according to their size and hazard potential. The frequency of Commission inspections and whether a dam requires inspection by an independent consultant are determined by how the dam is classified.

The Commission's hazard potential classification system is identical to the system used by the Army Corps of Engineers.⁵ This classification system has three categories—low hazard potential dams, significant hazard potential dams, and high hazard potential dams. The hazards pertain to the potential loss of human life or property damage in the event of dam failure. The potential for loss of human life and property damage are measured by the extent of development in the area downstream of the dam. The following table outlines the hazard potential classification system used by the Commission:⁶

¹ 16 U.S.C. 792 through 828 (1982).

² 16 U.S.C. 803(c) (1982).

³ 18 CFR Part 12 (1982).

⁴ These dam inspection procedures also apply to certain "exemptees" under § 4.106 of the Commission's regulations. Section 4.106 contains standard terms and conditions that apply to small hydroelectric power projects that have been granted a case-specific exemption from licensing. Section 4.106(h) subjects these projects to the dam inspection procedures in Part 12. See 18 CFR 4.106(h) (1986).

⁵ 33 CFR 222.8 (Appendix D—Guidelines for the Safety Inspection of Dams; paragraph 2.1.2—Hazard Potential) (1986).

⁶ *Id.*

HAZARD POTENTIAL CLASSIFICATION

Category	Loss of life (extent of development)		Economic loss (extent of development)
Low	None expected (No permanent structures for human habitation).	(or) ...	Minimal (Undeveloped to occasional structures or agriculture).
Significant	Few (No urban developments and no more than a small number of inhabitable structures).	(or) ...	Appreciable (Notable agriculture, industry or structures).
High	More than a few	(or) ...	Excessive (Extensive community, industry or agriculture).

Dams with significant or high hazard potentials are inspected annually by the Commission. Dams with low hazard potentials are inspected every two years if they are 25 feet or more in height, or have a storage capacity of 50 acre-feet or more. All other low hazard potential dams are inspected every three years.

In addition to Commission inspections, certain dams require an inspection by an independent consultant every five years.⁷ These dams have either a high hazard potential classification, or are more than 32.8 feet in height, or have a storage capacity of more than 2000 acre-feet.

III. The Commission's Proposal

The Commission is proposing to replace the term "hazard potential" with the term "effects classification" (EC). It has been the Commission's experience that the term "hazard potential" is often mistaken to mean that there is a potential for dam failure. However, the classification of a dam is solely a function of its location and size. Hazard potential measures the potential damage downstream in the event of dam failure; it does not reflect upon the structural integrity of the dam. In fact, dam classification is a pre-inspection tool used to determine the type and frequency of inspections that a dam will receive; it is not a post-inspection conclusion regarding the likelihood of dam failure.

The Commission believes "effects classification" is a more appropriate term. Effects classification properly focuses attention on the potential damage or "effects" that would result if a dam failed. Consequently, the term is less likely to be mistaken to mean that there is a potential for dam failure.

Under the Commission's proposal, all dams formerly classified as "high"

hazard potential dams would be classified as effects classification "A" dams. All dams formerly classified as "significant" hazard dams would be classified as effects classification "B" dams. All dams formerly classified as "low" hazard potential dams would be classified as effects classification "C" dams. The proposed classifications and their descriptions are as follows:

EFFECTS CLASSIFICATION

Classification	Loss of life (extent of development)		Economic Loss (extent of development)
"A"	More than a few	(or) ...	Excessive (Extensive community, industry or agriculture).
"B"	Few (No urban developments and no more than a small number of inhabitable structures).	(or) ...	Appreciable (Notable agriculture, industry or structures).
"C"	None expected (No permanent structures for human habitation).	(or) ...	Minimal (Undeveloped to occasional structures or agriculture).

The Commission is not proposing to make any substantive changes in its dam classification system. Under the Commission's proposal, each of the following procedures would remain unchanged:

- The method determining each dam's particular classification,
- The number and frequency of inspections by the Commission, and
- The number frequency of inspections by an independent consultant.

1. The method of determining each dam's particular classification

Under the hazard potential system, if a dam falls into two or more classification categories, the dam is classified into the highest category for which it has an attribute. The Commission is proposing that the effects classification system operate in the same manner. If a dam had any attribute in the effects classification "A" category it would be classified as an effects classification "A" dam.⁸

2. The number and frequency of Commission inspections

The Commission is also proposing to codify its current procedures regarding the frequency of dam inspections by Commission inspectors. The frequency

of Commission inspections would remain the same and these procedures would be codified in new § 12.6.⁹

Under the hazard potential system, dams with "significant" or "high" hazard potentials are inspected annually by the Commission. Dams with "low" hazard potentials are inspected every two years if they are 25 feet or more in height, or have a storage capacity of 50 acre-feet or more. All other low hazard potential dams are inspected every three years.

Under the effects classification system, the Commission is proposing that all "high" and "significant" hazard dams would be classified as effects classification "A" and "B" dams, respectively, and that all dams with an effects classification of "A" or "B" would be inspected by the Commission annually. The Commission is also proposing that all "low" hazard dams would be classified as effects classification "C" dams and all dams with an effects classification of "C" would be inspected by the Commission every two or three years. Dams with an effects classification of "C" that are 25 feet or more in height, or that have a storage capacity of 50 acre-feet or more, would be inspected every two years. All other dams with an effects classification of "C" would be inspected every three years.

3. Inspections by an independent consultant

Under the existing hazard potential system, all "high" hazard potential dams and all other dams, regardless of their classification, that are greater than 32.8 feet in height, or that have a storage capacity of more than 2,000 acre-feet, are required to receive, at least once every five years, an inspection by an independent consultant under Part 12. The Commission is proposing that these procedures remain the same under the proposed effects classification system.

All dams greater than 32.8 feet in height, or that have a storage capacity of more than 2,000 acre-feet would be required, at least once every five years, to receive an inspection by an independent consultant as required under Part 12. In addition, all dams with an effects classification of "A" would have to be inspected by an independent consultant as required under Part 12.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612 (1982), requires agencies to prepare certain statements, descriptions and analyses of proposed

⁷ See 18 CFR 12.30-12.39 (1986) for rules governing inspections by independent consultants.

⁸ For example, if the Commission determined that the failure of a dam would cause minimal agricultural damage (an EC "C" attribute), and also determined that there was potential for the loss of more than a few lives (an EC "A" attribute), the Commission would classify the dam as an EC "A" dam.

⁹ Proposed section 18 CFR 12.6.

rules that will have a "significant economic impact on a substantial number of small entities." The Commission is not required to make an analysis if a rule would not have such an impact.¹⁰ The Commission does not believe that this rule will have a significant economic impact on a substantial number of small entities.

In general, the economic impact of a proposed rule is not "significant" within the meaning of the RFA, if the impact on small entities is expected to be beneficial.¹¹ The Commission believes the proposed rule will have a beneficial impact on small entities.

The proposed amendments would make no changes of substance in the Commission's rules. The proposed rule replaces the term "hazard potential" with the term "effects classification," sets forth the Commission's classification system in its own regulations, and codifies Commission practice regarding the frequency of dam inspections. These proposed changes are intended to alleviate confusion over the term "hazard potential" and are intended to provide for more certainty in the Commission's rules and practice. Consequently, the amendments would have a beneficial impact on small entities.

For these reasons, the Commission certifies that this notice of proposed rulemaking rule will not have a significant economic impact upon a substantial number of small entities.

V. Written Comment Procedure

The Commission invites all interested persons to submit written comments on the amendments proposed in this notice. The Commission also invites commenters to submit any other suggestions regarding the Commission's dam classification procedures. All comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 and should refer to Docket No. RM87-19-000. An original and fourteen copies of the comments should be filed with the Commission no later than August 24, 1987.

Written submissions will be placed in the public files of the Commission and will be available for public inspection during regular business hours in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

¹⁰ 5 U.S.C. 605(b) (1986).

¹¹ Mid-Tex Electric Cooperative, Inc. v. FERC, 773 F.2d 327, 340-43 (D.C. Cir. 1985).

List of Subjects

18 CFR Part 4

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 12

Electric power, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend Parts 4 and 12, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,
Secretary.

PART 4—[AMENDED]

1. The authority section for Part 4 continues to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a-825r, as amended by the Electric Consumers Protection Act of 1986, Pub. L. No. 99-495; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645 (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7532 (1982); E.O. 12009, 3 CFR Part 142 (1978), unless otherwise noted.

2. Section 4.106(h) is revised to read as follows:

§ 4.106 Standard terms and conditions of case-specific exemption from licensing.

(h) *Article 8.* Any exempted small hydroelectric power project that utilizes a dam that is more than 32.8 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or that has an EC rating of "A" as defined in 18 CFR 12.3(b)(12) of this chapter, is subject to the following provisions of 18 CFR Part 12, as it may be amended:

- (1) Section 12.4(b)(1) (i) and (ii), (b)(2) (i) and (iii), (b)(iv), and (b)(v);
- (2) Section 12.4(c);
- (3) Section 12.5;
- (4) Subpart C; and
- (5) Subpart D.

For purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

PART 12—[AMENDED]

3. The authority section for Part 12 is revised to read as follows:

Authority: Electric Consumers Protection Act of 1986, Pub. L. No. 99-495; Federal Power Act, as amended, 16 U.S.C. 792-828c (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR Part 142 (1978).

4. In § 12.3, a new paragraph (b)(12) is added to read as follows:

§ 12.3 Definitions.

* * * * *

(b) * * *

(12) The effects classification of a dam pertains to the potential for loss of human life or property damage in the area downstream of the dam in the event of a structural or operational malfunction of the dam or appurtenant facilities. The effects classifications and their descriptions are as follows:

EFFECTS CLASSIFICATION

Classification	Loss of Life (extent of development)		Economic Loss (extent of development)
"A".....	More than a few	(or)...	Excessive (Extensive community, industry or agriculture).
"B".....	Few (No urban developments and no more than a small number of inhabitable structures).	(or)...	Appreciable (Notable agriculture, industry or structures).
"C".....	None expected (No permanent structures for human habitation).	(or)...	Minimal (Undeveloped to occasional structures or agriculture).

5. Section 12.6 is added to read as follows:

§ 12.6 Frequency of inspections.

(a) *Inspections by an independent consultant.* Dams with the following characteristics must be inspected by an independent consultant every five years:

- (1) Dams with an effective classification of "A", as defined in § 12.3(b)(12) of this part, or
- (2) Any dam that is more than 32.8 feet (10 meters) in height above streambed, as defined in § 12.31(c), or
- (3) Any dam that impounds an impoundment with a gross storage capacity of more than 2,000 acre-feet (2.5 million cubic meters).

(b) *Inspections by Commission inspectors.* (1) Dams with an effects classification of "A" or "B", as defined in § 12.3(b)(12) of this part, will be inspected by Commission inspectors annually, or as determined by the Regional Director or other authorized Commission representative.

(2) Dams with an effects classification of "C", as defined in § 12.3(b)(12) of this part, will be inspected by Commission inspectors,

- (i) For dams that are greater than 25 feet in height or that have a storage capacity greater than 50 acre-feet, every two years or as determined by the Regional Director or authorized Commission representative,

(ii) For all other dams, every three years or as determined by the Regional Director or other authorized Commission representative.

6. Section 12.30 is amended by revising paragraph (c) as follows:

§ 12.30 Applicability.

* * * * *

(c) That has an effects classification rating of "A" as defined in § 12.3(b)(12) of this part, and is determined by the Regional Director or other authorized Commission representative to require inspection by an independent consultant under this subpart.

§ 12.31 [Amended]

7. Section 12.31 is amended by removing paragraph (b) in its entirety and redesignating paragraphs (c) through (e) as paragraphs (b) through (d), respectively.

8. Section 12.33 is amended by revising paragraph (b) to read as follows:

§ 12.33 Exemption.

* * * * *

(b) Good cause for exemption may include the finding that the development in question has no dam except dams that meet the criteria for an effects classification rating of "C" as defined in § 12.3(b)(12) of this part.

[FR Doc 87-14250 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 151

Off-Reservation Land Acquisitions

April 8, 1987.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs requests comments on a proposed rule concerning the acquisition in trust status of lands located outside the boundaries of Indian reservations. The proposed rule would prohibit the acquisition in trust status of lands located outside the boundaries of Indian reservations for individual Indians or Indian tribes if the purpose of the acquisition is to establish a bingo or other gaming enterprise.

DATE: Comments must be received on or before August 7, 1987.

ADDRESSES: Comments may be mailed to Mr. Lee Maytubby, Realty Specialist, Bureau of Indian Affairs, Stop Code

4520, 1951 Constitution Avenue, NW., Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Maytubby on (202) 343-3837; U.S. Department of the Interior, Bureau of Indian Affairs, Division of Real Estate Services, Stop Code 4520, 1951 Constitution Avenue, NW., Washington, DC 20245, or Mr. Michael Cox on (202) 343-9331, U.S. Department of the Interior, Office of the Solicitor, Stop Code 6554, 18th & C Streets, NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. The Secretary of the Interior is vested by statute with broad discretionary authority to accept land in trust for individual Indians or Indian tribes, within or without existing Indian reservations. In order to assist in making these discretionary decisions, the Secretary issued regulations that among other things, set forth a very generalized land acquisition policy, 25 CFR 151.3, and require the Secretary to consider such factors as the impact of removing land from local tax rolls, potential jurisdictional problems, and conflicts with local land use plans or zoning ordinances, 25 CFR 151.10. Because of the potential impact of taking land in trust, particularly land located outside of an existing reservation, all off-reservation land acquisition requests are reviewed in Washington by the Office of the Assistant Secretary—Indian Affairs. Since each tribe's circumstances are different, and because of the broad scope of the land acquisition policy statement at 25 CFR 151.3(a)(3) (the provisions pursuant to which most off-reservation land acquisition requests are made), each request in the past has been reviewed on a case-by-case basis.

Recently, many of the requests have been made for the acquisition of land in trust which would be used for bingo parlors and other gaming enterprises. In many cases, these proposed uses would not comply with state and local law. While such uses may be lawful on a tribe's existing reservation, the Secretary must consider, under the criteria at 25 CFR 151.10, the impacts and wisdom of acquiring land in trust for the purpose of extending jurisdictional immunities beyond present reservation boundaries. The Secretary has determined that the acquisition of land in trust status, off-reservation, for the purpose of engaging in high-stakes bingo or other gaming enterprises is inappropriate. The proposed rule will have the effect of

prohibiting all acquisitions of off-reservation lands in trust status for Indian tribes and individuals if the proposed purpose of the acquisition is to establish a bingo operation or a gaming enterprise which would not conform to State laws.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the addresses section of this preamble. Comments must be received on or before August 7, 1987.

The Department has determined that the proposed rule is not major and does not require a regulatory impact analysis under E.O. 12291, because the rule is not expected to have annual effect on the economy of \$100 million or more, or to result in substantial increases in costs or prices. The Department has also determined that the proposed rule will not have a significant effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because only a very small number of tribes have requested that lands be acquired in trust for the purpose of establishing bingo enterprises.

The Department has determined that the proposed rule does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental assessment or environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*)

This rule does not contain information collection requests which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The primary author of this document is Michael Cox, Office of the Solicitor, Department of the Interior.

List of Subjects on 25 CFR Part 151

Indian-lands.

For the reasons set out in the preamble, Part 151, Subchapter H of Title 25 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 151—[AMENDED]

1. The authority citation for Part 151 continues to read as follows:

Authority: R.S. 161, 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat.

1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605, 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505, 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts.

§ 151.3 [Amended]

2. Section 151.3 is amended by adding paragraph (c) to read as follows:

§ 151.3 Land acquisition policy.

(c) Land which is located outside the exterior boundaries of an Indian reservation will not be acquired in trust status if the purpose of the acquisition is to establish or operate a bingo or other gaming enterprise.

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 87-14152 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 32

Public Safety Officers' Death Benefits

AGENCY: Office of Justice Programs, Justice.

ACTION: Proposed amendment.

SUMMARY: The regulations covering public safety officers' death benefits are being amended to comply with statutory amendments to the Public Safety Officers' Benefits (PSOB) Act. Changes to the regulation include provision of coverage for members of public rescue squads or ambulance crews whose deaths result from traumatic injuries sustained while responding to a fire, rescue or police emergency.

DATE: Comments must be received on or before July 31, 1987.

ADDRESS: Comments should be mailed to Yvette Caesar, Room 1268E, Department of Justice, Office of Justice Programs, Office of General Counsel, 633 Indiana Avenue, Washington, DC 20513.

FOR FURTHER INFORMATION CONTACT: Yvette Caesar (Attorney Advisor), 202-724-6235.

SUPPLEMENTARY INFORMATION: The purpose of the amendment is to extend coverage of the Public Safety Officers' Benefits Act to include an officially recognized or designated public

employee member of a rescue squad or ambulance crew who died as a direct and proximate result of a personal injury sustained while responding to a fire, rescue or public emergency.

This regulation is not a "major rule" under the requirements of Executive Order 12291. A Regulatory Analysis is not required by the Regulatory Flexibility Act, 5 U.S.C. 601-612. The provisions of the Paperwork Reduction Act, 44 U.S.C. 3504(h), do not apply. An environmental impact statement is not required by the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.

For the reasons set out in the preamble, Title 28, Part 32 and Subpart A of the Code of Federal Regulations are proposed to be amended as follows:

PART 32—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

1. The authority for 28 CFR Part 32 is revised to read as follows:

Authority: Secs. 801(a) and 1204(a) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, Pub. L. 98-473, Pub. L. 99-570, and Pub. L. 99-591).

2. Section 32.1 is revised to read as follows:

§ 32.1 Purpose.

The purpose of this regulation is to implement the Public Safety Officer's Benefits Act of 1976 which authorizes the Office of Justice Programs, Bureau of Justice Assistance to pay a benefit of \$50,000 to specified survivors of public safety officers found to have died as the direct and proximate result of a personal injury sustained in the line of duty. The Act is Part J of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, Pub. L. 98-473, Pub. L. 99-570, and Pub. L. 99-591.

§ 32.2 [Amended]

3. Section 32.2 is amended by revising paragraphs (c) and (h), redesignating paragraph (k) and (l), adding a new paragraph (m), redesignating paragraphs (l), (m), (n), (o), (p), (q), and (r) as paragraphs (m), (n), (o), (p), (q), (r), and (t), and adding a new paragraph (s) to read as follows:

* * * * *

(c)(1) "Line of duty" means any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations,

condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he serves. For other officers, "Line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires, and

2. Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform while responding to a fire, rescue or police emergency.

* * * * *

(h) "Public safety officer" means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad member of ambulance crew member.

* * * * *

(k) "Rescue squad or ambulance crew member" means an officially recognized or designated employee member of a rescue squad or ambulance crew who was responding to a fire, rescue, or policy emergency.

* * * * *

(s) "Public employee: means an employee of a public agency.

* * * * *

Dated: June 16, 1987.

George A. Luciano,

Director, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice.
[FR Doc. 87-14243 Filed 6-22-87; 8:45 am]

BILLING CODE 4410-18-M

POSTAL SERVICE

39 CFR Part 111

Unauthorized Use of Postage Meters

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: During 1986 postal inspectors conducted a nationwide, three-month investigation to determine the nature and extent of unauthorized use of postage meters. This proposed rule revises procedures for the supervision of postage meter use in light of that investigation. It is designed to strengthen postal regulations to protect against unauthorized use of postage meters and payment of fraudulent refunds for postage meter stamps.

DATE: Comments must be received on or before August 22, 1987.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, Rates and Classification Department, Room 8430, 475 L'Enfant Plaza West SW., Washington, DC 20260-5365. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: F.E. Gardner, (202) 268-5178.

SUPPLEMENTARY INFORMATION: In late 1985 and early 1986 postal inspectors discovered in the course of an investigation that three mailers had used postage meters in an unauthorized manner that resulted in an estimated revenue loss to the Postal Service of \$7.8 million. Acting on this information, teams of postal inspectors were organized to determine the severity and extent of the problem nationwide. During the three-month period of this investigation, two more meter users were identified as using postage meters in an unauthorized manner, with an additional estimated revenue loss of \$300,000. This proposed rule makes a number of changes in postal regulations to prevent a reoccurrence of the revenue losses. The changes are intended to:

1. Warn an applicant for a meter license that the license, if issued, will be immediately revoked and the meter immediately removed if the meter is used in operating any fraudulent scheme or enterprise of any unlawful character.
2. Specifically require a post office to retain a meter when the manufacturer has been unable to locate the meter holder for a semi-annual inspection.
3. Create a lost or stolen meter book.
4. Require mailers preparing metered mail for others to list the meter serial numbers, meter holders, number of pieces mailed, and rate per piece for each meter used in the mailing. (This may require some businesses using an outside mailing firm to furnish such a list to that mailer.)
5. Set forth specific inspection procedures for meter manufacturers.
6. Limit cash refunds for meter stamps to \$10.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of the Domestic Mail Manual, which is incorporated by

reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Amend 144 as follows:

144 *Postage Meters and Meter Stamps.*

144.2 *Meter License.*

.21 *Application.*

.211 *Procedures.* A customer may obtain a license to use a postage meter by submitting Form 3601-A, *Application for a Postage Meter License* (or a form supplied by the manufacturer containing the same information and format), to the post office where the metered mail will be deposited. No fee is charged. On approval, the postmaster will issue a license. By submitting an application a customer agrees that the license, if issued, will be immediately revoked and the meter immediately removed if the meter is used in operating any fraudulent scheme or enterprise of an unlawful character.

.23 *Revocation.*

.232 The postmaster will notify the meter license holder if the license is, or is to be, revoked and will provide the reasons for revocation. Form 3604, *Nonuse of Mailing Permit or Meter License*, may be used if revocation for nonuse is being considered. See 144.214 for appeal procedures.

.233 The postmaster will notify the licensee's meter manufacturer of the revocation to permit prompt compliance with 144.952i by the manufacturer.

144.3 *Setting Meters.*

.313 Post offices must retain any meter presented for setting or examination that has been reported as lost or stolen, if the manufacturer has notified the post office that the meter or meter holder cannot be located, indicating that the meter has not received its semi-annual manufacturer inspection, or has not been authorized for use under a meter license. The post office must return every such meter to the manufacturer for immediate examination.

144.34 *Examination and Setting.*

.341 *Examination.*

.341d Serial numbers of meters must be checked against the lost or stolen meter book, where available.

144.5 *Mailings.*

.51 *Preparation.*

.513 Commercial mailers who prepared metered mail, including full First-Class rate mailings, that is not their own mail or is not metered with their meter, must provide a listing or manifest on either a Form 3602-PCS, or equivalent format, of the meter serial number(s), meter holder(s), number of pieces mailed, and rate per piece for each meter used in the mailing along with the Form 3602 PC, *Statement of Mailing Bulk Rates*.

144.61 *Quarterly Verification.*

.61h An employee in accounting or mail classification who did not participate in the sampling must check the Forms 3616 against the numerical and alpha files of meters set by the post office and the lost or stolen meter book, where available. When a meter impression disclosed in the sampling cannot be traced to an authorized meter use, a supervisor should review the matter. Unless the supervisor decides there is minimal risk involved in alerting the customer, do not contact the sender. Enlist the assistance of the manufacturer to resolve the discrepancy. If the meter manufacturer cannot resolve the matter, advise the MSC Director of Finance. If a meter impression is found in the lost or stolen meter book, it must be reported in accordance with 144.61k.

144.63 *Lost or Stolen Meters.*

Add to the end of the section, a PDC will distribute a book quarterly of all lost or stolen meters to selected post offices, see 144.952.

144.65 *Meter Manufacturers.*

Postmasters must cooperate with representatives of meter manufacturers in their examination and control of customers' meters by providing the information from, or a copy of a customer's Form 3610 or latest Form 3603, and verifying the location of the meter or meter holder, when requested.

144.9 Manufacture and Distribution of Postage Meters.

144.92 Specifications.

.92e Add the following sentence to the end of the section. It must be attached to the meter in a manner (such as with breakoff screws), that it is not practically possible to remove or replace it fraudulently.

144.95 Distribution.

.952 Controls.

.9521 Provide a PDC with a compatible computer magnetic tape of lost or stolen meters, quarterly. The file will be due on January 1, April 1, July 1, and October 1. Files consisting of less than 100 meters may be provided on a printout.

144.96 Maintenance.

.962 Inspection of Meters in Use.

a. The manufacturer must have all of its meters in service with mailers inspected at least twice annually at approximate 6-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, and that it is recording its operations correctly and accurately, as follows:

(1) Compare the meter serial number on the meter with the serial number on the source document (manufacturer's records).

(2) Record the ascending and descending register readings and calculate the total readings.

(3) Obtain the customer's copy of the most recent Form 3603, *Receipt for Postage Meter Settings*, and verify the control total after the last setting with the control total calculated during the proof of register procedure.

(4) Verify the accuracy of postage selection, denomination indicator wheels or electronic display, and denomination printing wheels following the proof of registers by printing a .00 meter stamp and comparing the register readings after printing with the recorded register readings.

(5) Check to determine that the post office seal is in place, properly compressed, reads "US-PO" or "US-PS," and that the seal wire is properly wound and tightly gripped by compressed lead, and is tightly pulled up to the lock cover or post.

(a) Check to determine that the lock cover properly protects the lock and has not been loosened, bent, or tampered with.

(7) Depending on the meter manufacturer or model, perform the following:

(a) Check to ensure that the meter fits on the meter base properly.

(b) Check all break-off screws to determine that none is missing, loose, or show signs of having been removed.

(c) Operate the date and meter ad selector dials to test the date, postmark die, and meter ad.

(d) Check the alignment and condition of engraving on the denomination printing wheels, when visible.

(e) Check the descending register door for damage, pry marks, or scarring. Make certain that the door cannot be opened without unlocking it.

(f) Examine the meter drum for damage, pry marks, or scarring.

(g) Examine the meter cover for pry marks or scarring near the post office lock or break-off screws, any drilled holes, or any signs of attempted entry into the internal mechanism of the meter.

(h) Closely examine the postage stamp die for excessive wear, damage, breakage, or scars from prying, and the postage die retaining screws for signs of wear to ensure that one is missing or shows signs of having been removed.

(i) Check the register, counter, and display windows for breakage or cloudiness.

(j) Obtain the signature of the meter holder as proof that a meter inspection has taken place.

(8)(a) Report immediately to the mailer's licensing postmaster any irregularities found in the operation of the meter or indications of its improper usage and take appropriate steps to replace or remove the meter.

(b) If a meter manufacturer cannot locate one or more of its meters in service using the address information in its files, take the following steps:

(1) Contact the mailer's licensing postmaster and verify the location of the meter or meter holder. If new address information is obtained, the meter inspection must be performed promptly.

(2) If no valid address for the meter or meter holder is available and the meter cannot be located, notify the postmaster at the setting post office in writing. Request that if the specified meter is presented for setting, it be retained, and the manufacturer or its representative be notified immediately to perform the required examination.

(3) If the postmaster is unable to determine a valid address for the meter holder, revocation procedures will be

instituted. If after the license revocation procedure has been completed the meter is presented for setting, retain the meter and notify the manufacturer in accordance with section 144.313.

147 Exchanges and Refunds.

147.2 Refunds.

.26 Processing Refund Applications for Postage and Fees Paid by Postage Stamps, Meter Impressions, Permit Imprints, or Rejected Printed Stamped Envelopes.

.261c Pay the applicant in cash, except for meter stamps, from official funds on hand, if practicable to do so and if the refund is made in person. For all refunds for meter stamps greater than \$10, use a no-fee money order or a Treasury check payable to the registered license holder of the meter serial number from which postage is being refunded. Refunds for meter stamps for \$10 or less may be made in cash.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-14221 Filed 6-22-87; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-195, RM-5526; RM-5597]

Radio Broadcasting Services; Bloomington and Nashville, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The document requests comments on separate petitions by Bloomington Community Radio and Bruce Quinn requesting the allocation of Channel 236A at either Bloomington, Indiana or Nashville, Indiana. Comparative evaluation of the mutually exclusive proposal will be based on comments submitted and applicable Commission policy to determine which community should receive the allotment.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the

FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

William J. Byrnes, Esq., Haley, Bader & Potts, 2000 M Street, NW., Suite 600, Washington, DC 20036, (Counsel for Bloomington, IN)

Mr. Bruce Quinn, 824 South Hamilton Street, Delphi, Indiana 46923, (Petitioner for Nashville, IN)

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-195 adopted April 21, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14172 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-196, RM-5492]

Radio Broadcasting Services; Lafayette, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by C.R. Crisler

proposing the substitution of Channel 238C2 for vacant Channel 238A at Lafayette, Louisiana as that community's third FM service. Eighteen applications are now pending for Channel 238A allotted in Docket 84-231. The applicants will be served with a copy of this *Notice*. Upon allotment of this channel, new applications will be accepted by the issuance of a new window filing period.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mr. C.R. Crisler, Double Eagle Broadcasting, P.O. Box 6324, Fort Smith, Arkansas 72906 (petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-196, adopted April 21, 1987, and released June 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14175 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-189, RM-5715]

Radio Broadcasting Services; Crete, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Saline County Radio, Inc. to substitute Channel 281C2 for Channel 280A at Crete, Nebraska, and the modification of its license for Station KBVB-FM to specify operation on the higher powered channel. Channel 281C2 can be allocated in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.4 kilometers (7.7 miles) southeast to avoid a short-spacing to Station KQHU, Yankton, South Dakota. This site restriction is based on grant of the application of Station KESY-FM, Omaha, Nebraska, specifying Class C1 facilities (BPH-8606261C). Therefore, final action will not be taken until such time as a license is granted to cover KESY-FM's application. Since Saline County Radio has requested an adjacent channel upgrade, the Commission will not accept competing expressions of interest in use of the channel at Crete nor require it to demonstrate the availability of an additional equivalent channel.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Michael L. Glaser, Esq., Joseph P. Benkert, Esq., Gardner, Carton & Douglas, 1875 Eye Street, NW., Suite 1050, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-189, adopted May 5, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800.

2100 M Street, NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a notice of proposed
rule making is issued until the matter is
no longer subject to Commission
consideration or court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures or comments, See 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocation's Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 87-14167 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01

47 CFR Part 73

[MM Docket No. 87-197, RM-5710]

Radio Broadcasting Services; Incline Village, NV

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition by North Lake
Tahoe Broadcasting Company, licensee
of Station KLKT, Channel 261A, Incline
Village, Nevada, requesting the
substitution of Channel 261C2 for its
Class A channel and the modification of
its license to specify the higher powered
channel. Channel 261C2 can be
allocated in compliance with the
Commission's minimum distance
separation requirements with a site
restriction of 9.4 kilometers east to avoid
a short-spacing to Station KRFD-FM,
Marysville, California. Since this request
represents a co-channel upgrade, the
Commission will not accept competing
expressions of interest in use of the
channel at Incline Village and we will
not require the petitioner to demonstrate
the availability of an additional
equivalent channel.

DATES: Comments must be filed on or
before August 6, 1987, and reply
comments on or before August 21, 1987.

ADDRESS: Federal Communications
Commission, Washington, DC 20554. In
addition to filing comments with the
FCC, interested parties should serve the

petitioner, or its counsel or consultant,
as follows: Jerrold Miller, Esq., Miller &
Fields, P.C., P.O. Box 33003, Washington,
DC 20033 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT:
Leslie K. Shapiro, Mass Media Bureau,
(202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a
summary of the Commission's Notice of
Proposed Rule Making, MM Docket No.
87-197, adopted May 13, 1987, and
released June 15, 1987. The full text of
this Commission decision is available
for inspection and copying during
normal business hours in the FCC
Dockets Branch (Room 230), 1919 M
Street, NW., Washington, DC. The
complete text of this decision may also
be purchased from the Commission's
copy contractors, International
Transcription Service, (202) 857-3800,
2100 M Street, NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a notice of proposed
rule making is issued until the matter is
no longer subject to Commission
consideration or court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures for comments, See 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 87-14174 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-194, RM-5606]

Radio Broadcasting Services; Roswell, NM

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition by Roswell
Christian Radio Inc. to allocate Channel
258A to Roswell, New Mexico, and
reserve it for noncommercial
educational use. Channel 258A can be
allocated to Roswell in compliance with
the Commission's minimum distance

separation requirements without a site
restriction. Mexican concurrence is
required since Roswell is located within
320 kilometers (199 miles) of the U.S.-
Mexican border.

DATES: Comments must be filed on or
before August 3, 1987, and reply
comments on or before August 18, 1987.

ADDRESS: Federal Communications
Commission, Washington, DC 20554. In
addition to filing comments with the
FCC, interested parties should serve the
petitioner, or its counsel or consultant,
as follows: James C. Teel, Jr., President,
Roswell Christian Radio Inc., 110 South
Lea, Roswell, New Mexico 88201
(Petitioner).

FOR FURTHER INFORMATION CONTACT:
Leslie K. Shapiro, Mass Media Bureau,
(202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a
summary of the Commission's Notice of
Proposed Rule Making, MM Docket No.
87-194, adopted May 5, 1987, and
released June 15, 1987. The full text of
this Commission decision is available
for inspection and copying during
normal business hours in the FCC
Dockets Branch (Room 230), 1919 M
Street NW., Washington, DC. The
complete text of this decision may also
be purchased from the Commission's
copy contractors, International
Transcription Service, (202) 857-3800,
2100 M Street NW., Suite 140,
Washington, DC 20037.

Provisions of the Regulatory
Flexibility Act of 1980 do not apply to
this proceeding.

Members of the public should note
that from the time a notice of proposed
rule making is issued until the matter is
no longer subject to Commission
consideration or court review, all *ex*
parte contacts are prohibited in
Commission proceedings, such as this
one, which involve channel allotments.
See 47 CFR 1.1231 for rules governing
permissible *ex parte* contact.

For information regarding proper filing
procedures for comments, See 47 CFR
1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 87-14173 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 87-198, RM-5711]****Radio Broadcasting Services; Baldwinsville, NY****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Buckley Broadcasting Corporation of New York to substitute Channel 221B1 for Channel 221A at Baldwinsville, New York, and to modify its license for Station WSEN to specify the higher powered channel. Channel 221B1 can be allocated in compliance with the Commission's minimum distance separation requirements and used at Station WSEN's transmitter location. In accordance with the rules, the Commission will not accept any competing expressions of interest in use of the channel at Baldwinsville nor require Buckley Broadcasting to demonstrate the availability of an additional equivalent channel. Canadian concurrence in the allotment is required since the community is located within 320 kilometers of the U.S.-Canadian border.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Martin R. Leader, Esq., John Joseph McVeigh, Esq., Fisher, Wayland, Cooper & Leader, 1255 23rd Street, NW., suite 800, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-198, adopted May 13, 1987, and released June 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 87-14182 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M**47 CFR Part 73****[MM Docket No. 87-199, RM-5696]****Radio Broadcasting Services; Lake Luzerne, NY****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Brian Dodge to allocate Channel 234A to Lake Luzerne, as the community's first local FM service. Channel 234A can be allocated to the community in compliance with the Commission's minimum distance separation and other technical requirements without a site restriction. Canadian concurrence is required since Lake Luzerne is located within 320 kilometers of the U.S.-Canadian border.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian Dodge, Harvest Broadcasting Services, Box 105 FM, Hinsdale, NH 03451.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-199, adopted May 18, 1987, and

released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 87-14181 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M**47 CFR Part 73****[MM Docket No. 87-193, RM-5641]****Radio Broadcasting Services; Manteo, NC****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on the petition for rule making filed by Lorin A. Costanzo and Peter G. Costanzo d/b/a Costanzo Broadcasters requesting the substitution of Channel 251C2 for Channel 252A at Manteo, North Carolina, and the modification of its permit for a new station to specify the higher powered channel. Channel 251C2 can be allocated to Manteo and used at the site specified in Costanzo Broadcasters' construction permit in compliance with the Commission's minimum distance separation and other technical requirements. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept expressions of interest in the use of Channel 251C2 at Manteo

by other interested parties. The conflicting petition filed by Joseph A. Booth to allocate Channel 250A to Elizabeth City, North Carolina; as the community's third local FM service, has been dismissed at his request (RM-5717).

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Esq., Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street, NW., Suite 203, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-193, adopted May 5, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14169 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-192, RM-5513]

Radio Broadcasting Services; Hoffman, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by York David Anthony to allocate Channel 282A to Hoffman, North Carolina, as the community's first local FM service. The channel can be allocated in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.0 kilometers (7.5 miles) southwest to avoid a short-spacing to Station WTQR, Channel 281, Winston-Salem, North Carolina. The allocation is also contingent upon Station WKTC, Channel 282, Tarboro, NC, being licensed with the Class C1 facilities and at the site specified in its construction permit (BMPH-860421ID). Petitioner is requested to furnish a study showing that the required 70 dBu city-grade coverage can be provided to Hoffman with the site restriction specified herein.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-192 adopted May 5, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex*

parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14170 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-200, RM-5718]

Radio Broadcasting Services; Altus, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Altus Radio, Inc. proposing the substitution of Channel 228C2 for Channel 228A at Altus, Oklahoma, and the modification of its license for Station KRKZ to specify the higher powered channel. In accordance with section 1.420 of the Commission's Rules, we shall not accept competing expressions of interest in use of the channel at Altus nor require Altus Radio to demonstrate the availability of an additional equivalent channel. Channel 228C2 can be allocated to Altus in compliance with the Commission's minimum distance separation requirements with a site restriction of 31.1 kilometers (19.3 miles) southwest to avoid a short-spacing to Station KNIN-FM, Wichita Falls, Texas, to the unused but applied for Channel 228A at Watonga, Oklahoma, and to the unused and unapplied for Channel 229A at Cordell, Oklahoma.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Riley, Esq., Thomas S. Walsh, Esq., Fletcher, Heald & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-200, adopted May 18, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14180 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-203, RM-5799]

Radio Broadcasting Services; Folly Beach, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by John T. Galanes and Betsy Ann Abrue Vasquez De Lopez d/b/a Charleston County Wireless Company seeking the substitution of Channel 249C2 or Channel 251C2 for Channel 249A at Folly Beach, SC, and the modification of its permit for a new FM station on the Class A channel to specify the higher powered channel. The allocation of a Class C2 channel could provide the

community with its first wide coverage area FM service. Channel 249C2 can be allocated to Folly Beach in compliance with the Commission's minimum distance separation requirements and used at petitioner's construction permit site if Channel 252C2 is substituted for Channel 249A at Georgetown, SC, as requested by Ocean Communications, Inc. and Channel 251C2 can be allocated to Folly Beach if Channel 252C2 is not allocated to Georgetown (MM Docket No. 87-202). In accordance with § 1.420(g) of the Commission's Rules, the Commission will not accept competing expressions of interest in use of either channel at Folly Beach or require petitioner to show the availability of an additional equivalent channel since the request is for an adjacent channel upgrade.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert W. Healy, Esq., Gordon & Healy, Chartered, 1821 Jefferson Place NW., Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-203, adopted May 18, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14178 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-202, RM-5701]

Radio Broadcasting Services; Georgetown, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Ocean Communications, Inc. to substitute Channel 252C2 for Channel 249A at Georgetown, SC, and modify its license for Station WGMB to specify operation on the higher powered channel. Channel 252C2 can be allocated to Georgetown in compliance with the Commission's minimum distance separation requirements with a site restriction of 23.8 kilometers (14.8 miles) northeast if Channel 251C2 is allocated to Folly Beach, SC or without a site restriction if Channel 249C2 is allocated to Folly Beach, SC (RM-5799). In addition, this allocation is contingent upon the proposal of Davidson Communications, Inc. to substitute Channel 255C2 for Channel 252A at Kingstree, SC (MM Docket No. 87-80). The Commission will not accept competing expressions of interest for Channel 252C2 at Georgetown nor require petitioner to demonstrate the availability of an additional equivalent channel.

DATES: Comments must be filed on or before August 6, 1987, and reply comments on or before August 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Forbes W. Blair, Esq., Blair, Joyce & Silva, 1825 K Street, NW., Suite 510, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's notice of proposed rule making, MM Docket No. 87-202, adopted May 18, 1987, and released June 15, 1987. The full text of this Commission decision is available

for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14179 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-190, RM-5619]

Television Broadcasting Services; London, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Broadcast Media Services, Incorporated to allot UHF TV Channel 32 to London, Ohio, as the community's first local television service. Channel 32 can be allotted to London in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence is required since the community is located within 420 kilometers (250 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner, or its counsel or consultant, as follows: Lyle Robert Evans, 1145 Pine Street, Green Bay, Wisconsin 54301 (Consultant to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-190, adopted May 5, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14168 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-191, RM-5601]

Television Broadcasting Services; Athens, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: At the request of Wendell A. Triplett, this document requests comments on his petition to allot UHF TV Channel 63- to Athens, Ohio, as the community's first local commercial television service. Channel 63- can be allotted to Athens in compliance with the Commission's minimum distance

separation requirements with a site restriction of 3.9 miles north to avoid a short-spacing to unused and unapplied for Channel *63 at Bluefield, West Virginia. Canadian concurrence is required since Athens is located within 400 kilometers (250 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Wendell A. Triplett, 1501 Road 235, Bellefontaine, Ohio 43311 (petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-191, adopted May 5, 1987, and released June 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-14171 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 651****[Docket No. 70620-7120]****Northeast Multispecies Fishery Management****AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Proposed rule.

SUMMARY: NOAA issues this proposed rule to amend and extend the interim rule implementing the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). Amendment 1 to the FMP, which this rule would implement, addresses deficiencies in the interim rule. Amendment 1 proposes to modify the management program to enhance its ability to conserve the resource and promote industry compliance. In particular, the amendment further limits the small-mesh exempted fishery in the regulated mesh area in the Gulf of Maine; expands the large-mesh protection afforded to yellowtail flounder; prohibits scallop dredging in the Southern New England closed area; allows a permitted small-mesh, midwater trawl fishery for herring and mackerel in the Gulf of Maine; redefines the portion of the net that is affected by the minimum mesh requirement; requires fishermen to secure small-mesh nets while fishing in or transiting the regulated mesh area. The amendment also provides regulatory relief by opening a small portion of haddock spawning Closed Area I, and by allowing hook-and-line fishing to take place in the Southern New England Closed Area. This proposed rule also makes technical corrections to the regulations to reflect the intent of the FMP. The intended effect of the rule is to allow effective implementation of the management program.

DATE: Comments on the proposed rule must be received on or before July 31, 1987.

ADDRESSES: Comments on the proposed rule should be sent to Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on the Multispecies regulations."

Comments on the recordkeeping requirement of § 651.22(f) should be addressed to the Office of Information and Regulatory Affairs of OMB,

Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Peter Colosi, 617-281-3600, ext. 252.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council (Council) proposes to amend and extend the FMP, which was approved by the Secretary of Commerce only until September 30, 1987, when its implementing regulations will expire. Deficiencies that were identified by the Secretary in his decision to approve the FMP conditionally are explained in the supplementary information provided in the interim rule (51 FR 29642, August 20, 1986). The Council adopted this amendment to address those deficiencies determined to be in violation of National Standard #1.

The measures proposed and discussed below respond to four issues: (1) The Regional Director's concern for fishing mortality on key regulated species in general, and for juvenile mortality as a by-product of small-mesh fishing in particular; (2) the Regional Director's concern for the enforceability and cost-effectiveness of management measures; (3) new information, gained through the continuing management process; and (4) the Council's position that the management program is fundamentally sound and should not be prematurely modified without benefit of effective implementation, monitoring, and data analysis by NMFS. Measures not discussed will remain unchanged in the FMP and their implementing regulations in the interim rule will be extended.

Proposal 1: The December-January exempted fishery for whiting will be limited to the exempted fisheries area west of 69°00' W. longitude (Figure 1). In effect, this proposal eliminates those portions of statistical areas 511 and 512 which are within the exempted fishing area from vessel access under the winter whiting small-mesh exemption. The purpose is to limit the extent to which regulated species are exposed to small-mesh gear. With a negligible impact on whiting landings, the potential impact of small-mesh fishing on species such as redfish, gray sole, and dab would be substantially reduced. This measure is intended to respond to NMFS' concern for potentially excessive mortality caused by the exempted fishery. In addition, the allowable bycatch of regulated species under the whiting exemption will be determined in reference to the combined landings of shrimp and whiting. The justification is that shrimp is a legitimate small-mesh species that is routinely caught in combination with whiting, and its

inclusion will reduce the wasteful discard of legal-size, regulated species.

Proposal 2: For the June-November exempted fishery, the species against which the ten percent landings allowance of regulated species may be calculated are limited to dogfish, herring, mackerel, ocean pout, red hake, silver hake, and squid. The Council recognizes the importance of allowing a legitimate small-mesh fishery in the coastal Gulf of Maine as an alternative to a large-mesh fishery for regulated species. The Council accepts that a legitimate bycatch of regulated species will result from small-mesh fishing, but does not wish to encourage a small-mesh fishery that preys upon regulated species. Therefore, the Council proposes to limit the number of species against which the regulated species bycatch may be calculated in order to encourage only legitimate small-mesh fishing.

Proposal 3: The southern boundary of the regulated mesh area on Georges Bank east of 69°40' W. longitude should be extended slightly southward by substituting in place of LORAN bearing 43500 the line that begins at the intersection of 69°40' W. longitude and LORAN bearing 43400, follows this bearing east to its intersection with 69°00' W. longitude, then north to LORAN 43450, then eastward along LORAN 43450 to its intersection with 68°00' W. longitude, then north to LORAN 43500, then eastward as currently specified (Figure 1). This action will (1) help achieve the management objective for Southern New England and Georges Bank yellowtail flounder stocks by making significantly more yellowtail along the southern perimeter of Georges Bank subject only to large-mesh fishing, and (2) reduce the potential vulnerability of cod, haddock, and other flounders to small-mesh fishing in this area.

Proposal 4: The Southern New England closed area currently allows dredge gear designed and used to take scallops. This closed area (Figure 3) is primarily designed to reduce fishing mortality on yellowtail flounder. Since scallop dredge gear is known to retain yellowtail flounder, the proposal seeks to ban scallop dredging activity in order to preserve the effectiveness of the closure.

Proposal 5: Effective upon implementation, the regulated mesh size for mobile gear must extend for at least 75 continuous meshes forward of the terminus of the net. The Council will review this specification after one year in relation to its effectiveness for achieving the objectives of the FMP, and may either require that no mesh in any

portion of a trawl net be smaller than the minimum size that is specified in the regulations (to be effective October 1, 1989), or take other appropriate action (including increasing the number of conforming meshes). NMFS and the U.S. Coast Guard have raised a major concern for the overall effectiveness and enforceability of mesh control. From a practical standpoint, mesh enforcement has suffered from the difficulty in defining a cod end, the practice among some fishermen of choking off the net just above the cod end, and the use of small-mesh liners. The Council has already accepted the concept that a cod end may be pragmatically defined as the portion of the net in which fish are retained. Although the Council understands the importance of the extension piece for size selection in some species (not all nets have extension pieces), a reliable definition of an extension piece is elusive. The Council discussed at public hearings the possibility of requiring a minimum mesh throughout the net as early as July 1, 1988, but was advised by both fishermen and net manufacturers that compliance would be very costly.

Most comments received were to the effect that requiring the terminal 50–100 meshes to meet the minimum specification would result in effective mesh management, without imposing unnecessary cost on the industry. Therefore, the Council determined that a practical definition of the functional end of the net where selection and retention occurs would be in terms of the number of meshes from the terminus. The Council selected 75 meshes, based upon comments received at public hearings. This measure accomplishes three purposes: (1) It increases the enforceability of mesh by removing any ambiguity regarding the definition of a cod end; (2) it enhances the conservation of regulated species by providing increased opportunity for escapement; and (3) it provides a mechanism to improve (as necessary) the effectiveness of mesh management without an FMP amendment. To eliminate any question as to what will be considered the "terminus" of the net, the Council has proposed adding a labeled diagram to the regulations (Figure 4), rather than attempting to adopt a written definition, which would be subject to varied interpretation.

Proposal 6: No vessel fishing in or transiting the regulated mesh area may have available for immediate use a net with a mesh smaller than that specified in the regulations. The clear intent of the Council is to prohibit the use of small mesh in the regulated mesh area. The

proposed regulations offer four conditions that give clear and consistent guidance to both fishermen and authorized officers to interpret the intent of the prohibition. This proposal was specifically identified by the Regional Director as an appropriate measure for inclusion in this amendment.

Proposal 7: Upon implementation, the dimensions of Closed Area I will be changed by eliminating the portion west of 69°00' W. longitude and north of 41°30' N. latitude, due to an absence of mature haddock; subsequently, by means of a regulatory amendment, the geographic position of Closed Area I (and the timing as appropriate) will be changed by shifting it to the south and east to correlate the closure better with the distribution of mature female haddock. Research trawl data from spring 1977–1983 indicate that mature haddock are not particularly concentrated in the area between 41°20' N. and 41°50' N. latitude, west of 69°00' W. longitude, the northwest portion of the current Closed Area I. Instead, the mature haddock are concentrated in shallower water in the southern and eastern portions of Closed Area I and in the adjacent area of Georges Bank immediately to the south and east. Although data are available on the distribution of mature female haddock, data on the regulatory impact of a geographic shift have not yet been assembled. So as not to impose an unnecessary regulatory burden on fishermen while assembling these data, the Council has chosen to provide regulatory relief by removing from Closed Area I the portion indicated.

Proposal 8: Fishing with hook-and-line gear is allowed in the Southern New England Closed Area. However, anyone fishing with hook-and-line gear in this closed area may not possess yellowtail flounder. Hook-and-line gear is not expected to capture yellowtail flounder, and thus it is not appropriate to exclude this type of gear from the Southern New England Closed Area.

Proposal 9: The December–May exempted fishery for herring and mackerel is eliminated, but small-mesh, midwater trawling is allowed during December–May, subject to a permit issued by the Regional Director and a bycatch possession limit of one percent (by weight) of regulated species. In addition, the existing permitted exception for small-mesh, midwater trawl gear to catch herring, mackerel, and squid in the Georges Bank regulated mesh area is removed from the exempted fishery programs (EFP) but constrained by the bycatch possession limit of one percent of regulated species.

Bottom trawl landings of herring have been insignificant historically; herring is more often caught with non-trawl or mid-water trawl gears which produce little or no bycatch of regulated species. Mackerel is caught in bottom trawls only as a bycatch along with other regulated and nonregulated species. Mackerel should be targeted only by non-trawl or midwater trawl gear with minimum bycatch of regulated species. Eliminating the herring/mackerel exempted fishery and changing the Georges Bank exception to a trip bycatch basis will reduce the recordkeeping and reporting burden of the EFP.

Proposal 10: Based upon a recommendation by the Council, the Regional Director, in consultation with the Atlantic States Marine Fisheries Commission (ASMFC), may either permit the use of certain selective gear in the shrimp fishery in the exclusive economic zone (EEZ) as an alternative to participation in the EFP, or require, by regulatory amendment to the FMP, the use of certain selective gear in the EEZ shrimp fishery. During the development of Amendment 1, the Council considered reducing the bycatch and discard mortality of regulated species by requiring that the EEZ shrimp fishery be conducted with trawl gear capable of separating shrimp from other species at a high (90 percent) level. Prototypes of highly selective gear have been developed and field tested. However, after much discussion with its industry advisors and knowledgeable State officials, the Council became convinced that it would be premature to require the use of such gear in the shrimp fishery next year. Nevertheless, the Council remains committed to the use of selective fishing gear in the shrimp fishery, and encourages the NMFS to support systematic efforts to complete such technological developments. In this regard, the Council favors granting experimental fishing/research exemptions to vessel operators who are willing to use separator trawl gear and cooperate with NMFS to provide fishery data. The Council also believes that, as soon as it can be demonstrated that reliable, selective gear is available to vessels that fish for shrimp, such gear should either be provided on an incentive basis or required in the EEZ portion of the fishery, and that this framework measure facilitates that implementation process.

Technical Changes

NMFS's and the Council's review of the interim rule revealed that it contained technical errors, omissions,

and imprecise wording of certain management measures which resulted in deviations from the Council's intent as expressed in the FMP. These technical corrections will not result in additional regulatory impacts, either adverse or beneficial, on the fishing industry. Proposed technical changes to the interim rule are presented below.

1. The definition of *Multispecies finfish* in § 651.2 incorrectly spells the species names of redfish and white hake. The correct spelling, *Sebastes marinus* and *Urophycis tenuis*, respectively, will be inserted.

2. Only eight of the ten multispecies are subject to direct regulation at this time. The text of the regulations incorrectly refers to the entire complex of multispecies as being restricted by the management measures, when in fact it is a subset of eight regulated species that is restricted. A separate definition of regulated species will be added in § 651.2 and references to multispecies will be replaced with regulated species appropriately throughout the text, for clarification.

3. The proposed rule contained language that would have required Federal fisheries permit holders to abide by State multispecies finfish management measures that are more restrictive than Federal measures (§§ 651.3(c) and 651.4(a)(2), 50 FR 49582, December 3, 1985). The Coast Guard suggested that, in light of that language, the rebuttable presumption stated in § 651.7(d) was unnecessary.

The interim rule responded to the Coast Guard comment by preserving the presumption but eliminating the requirement for permit holders. That alteration had the unintended effect of curtailing the States' ability to impose more stringent management measures on persons subject to their jurisdiction.

There is in fact no inconsistency between the permit requirement and the rebuttable presumption. The purpose of the permit requirement is to preserve more stringent State laws and to make violation of such a law by a Federal permit holder a violation of the Federal regulations as well. The purpose of the rebuttable presumption is to make it easier to enforce the minimum size requirements; the only fisherman who will be able to rebut the presumption is one who does not have a Federal permit and does not fish in the EEZ.

The original language of §§ 651.3(c) and 651.4(a)(2) is proposed to be reinstated.

4. Section 651.7(d) of the proposed rule prohibited importation of any multispecies that did not meet minimum size requirements. The interim rule limited the prohibition to cod, haddock,

and yellowtail flounder, on the advice of NOAA General Counsel that an import prohibition pertaining to all species might run afoul of United States obligations under the Governing Agreement on Tariff and Trade (GATT). After the interim rule was published, NMFS received inquiries from the public, the Council, and its own staff as to why all of the multispecies were not included in the prohibition, since all of these species, like cod, haddock, and yellowtail flounder, are predominantly caught in the EEZ, and all should be embraced by an import prohibition on fish less than the minimum size prescribed by the regulations. Catch statistics of regulated species taken in the EEZ from 1980 through 1985 overwhelmingly support this argument; the amounts landed taken in the EEZ were as follows: cod, haddock, and yellowtail—90 percent; pollock—99 percent; redfish—99 percent; hake 99 percent; other flounders (i.e., witch, American plaice, windowpane)—94 percent; and winter flounder—78 percent.

When the final interim rule implementing the FMP was being drafted, there was a perception that the disparity between the Federal and State Governments' application of different management measures such as minimum fish sizes prevented broadening the existing prohibition on importing undersized multispecies finfish to species other than cod, haddock, and yellowtail flounder. This followed from the provision in the GATT which allows measures to be imposed on imports if these measures are also imposed on domestic products. These catch statistics demonstrate clearly that the species which an expanded import prohibition would embrace are taken predominantly in the EEZ. Recognizing that fishermen engaged in the groundfish fishery are largely dependent on these regulated species to survive economically and that these species are concentrated in the EEZ, it is reasonable to conclude that all but a handful of fishermen would have a Federal fisheries permit and be subject to the same management measures that would be imposed on imported multispecies finfish. Therefore, in view of this recently developed information, the Council proposes to expand the import prohibition to include all species regulated under the FMP consistent with the terms of the GATT and to make appropriate revisions to § 651.7 (b)(8) and (d).

5. In § 651.20, Large-mesh gear and area limitations, the following changes are proposed:

The Gulf of Maine regulated mesh area is extended southward north of Massachusetts Bay west of 70°00' W. longitude; this area is removed from the Georges Bank regulated mesh area.

"Trawl" is clarified to include midwater trawl in paragraph (b) to reflect the intent of the Council.

The authorization in paragraph (b)(2) to use square mesh as a substitute for diamond mesh and a small mesh exception in paragraph (c) for gill nets were erroneously included under the EFP. Square mesh is not intended to be restricted by the EFP, and small mesh exceptions for gill nets are not permitted under the FMP; the EFP references are removed.

Paragraph (c) is clarified by specifying that gill net mesh size requirements pertain only to bottom-tending gill nets.

Paragraph (e)(1) is revised from 10 to 5 meshes from the lacings, and paragraph (e)(2) is revised to clarify regulatory requirements relating to net strengtheners which apply to the regulated portion of the net of a trawl.

6. Section 651.21(b)(2) states that the eastern and western portions of the Southern New England Closed Area will close on March 1, 1987, and April 1, 1987, respectively, and open on or after May 1, 1987, based on the achievement of target spawning levels for yellowtail and winter flounder. The Council's intent, as expressed in the FMP, is that the area open some time after May 1, but no later than May 31, following consultations between the Council and the Regional Director; this change is proposed. In addition, the closure is an annual event. Therefore, the references to March, April, and May will be followed by the words, "each year".

7. The interim rule was approved until September 30, 1987, but could be implemented indefinitely based on a Council amendment that addresses national standards concerns of NMFS. Increases in prescribed minimum mesh size and minimum fish size are planned in subsequent years of FMP implementation; these were included in the proposed rule but were not reflected in the interim rule, which was to be effective only until September 30, 1987. The projected increases in mesh size and fish size are included in this proposed rule.

8. Other technical changes:

Under § 651.2, definitions are changed for *Area of custody*, *Land*, and *Multispecies finfish*; *FCZ* is removed and *EEZ* is added.

In § 651.4(e), "when the owner or the name of the vessel changes" is replaced with "on December 31 of each year".

In § 651.4(m), "voids" is replaced with "invalidates".

In § 651.6(a), the requirement for vessel name is added.

In § 651.7(b)(1), "fishing for" is added after "harvesting".

In § 651.7(b)(6), the wording is revised for clarity.

In § 651.7(b)(10), "to a vessel not having a permit under this part" is added after the phrase "or attempt to so transfer".

In § 651.21(b), paragraphs (3) (ii) and (iii) are merged. In § 651.22(e)(1), "or in § 651.20(d)" is replaced with "over the period of participation".

In § 651.22(f), a requirement for negative reports is added.

Request for Comments

Because the multispecies stocks are in a state of decline, and because reversing the declining trend and rebuilding these stocks is of concern, you are asked to pay particular attention to the following points when commenting on the proposed management measures:

1. Are the minimum fish sizes adequate to reduce fishing mortality?
2. Are minimum mesh requirements in 75 meshes from the end of the net sufficient to prevent cheating?
3. Is the regulated mesh area extensive enough to provide adequate protection to juvenile multispecies?
4. Is the regulatory control of the exempted fisheries program sufficient to protect juvenile multispecies?
5. Are the Southern New England Closed Area regulations adequate to protect yellowtail flounder stocks? and
6. Is a minimum mesh size of 5.5 inches large enough?

Classification

Section 304(a)(1) of the Magnuson Act, as amended by Pub. L. 99-659, requires the Secretary to publish regulations proposed by the Council within 15 days of receipt of the FMP amendment and regulations. At this time, the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Administrator of NOAA determined that this rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291. An economic analysis of five alternate management regimes finds that all of the proposed options (except the return to no management, option 5) result in positive

discounted cash flows over a ten-year period compared to a continuation of the current value of exvessel revenues. All vessels will initially suffer a loss in productive efficiency; however, once a higher level of landings is achieved, after five years from yield per recruit effects alone, all vessels now in the fishery will be able to operate more productively, consumers will benefit from higher sustained catches, and participants up the production chain will enjoy increased product flow.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because the average impact in the initial year of implementation (the worst one-year impact for every option) is estimated to be well below one percent of total revenues. Given the approximately 1,000 vessels operating in 1985, the average impact in terms of foregone revenue with the preferred option is \$300 per vessel out of average gross revenues of \$200,000 per vessel.

The Council prepared an environmental assessment (EA) and found there will be no significant impact on the environment as a result of this rule. Thus, it does not alter the environmental impacts discussed in the final environmental impact statement of the FMP. The IRFA and the EA are available from the Council.

This rule contains information collection requirements subject to the Paperwork Reduction Act. The permit requirements under § 651.4 have been approved by the Office of Management and Budget under OMB Control Number 0648-0097. The reporting requirements in § 651.22(f) have been approved through September 30, 1987, under OMB Control Number 0048-0016; a request for extension of OMB approval for these requirements will be submitted in the near future. The recordkeeping requirement in § 651.21(f), however, is not approved; it has been submitted to OMB for approval. Comments on this requirement may be submitted to OMB (see ADDRESSES).

This rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, and North Carolina.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 17, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

PART 651—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 651 is proposed to be amended as follows:

1. The authority citation for 50 CFR Part 651 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 651.1 Amended)

2. In § 651.1, the words "prepared and adopted" are removed and "amended" is added in their place.

3. In § 651.2, the definitions for *Cod end* and *Fishery conservation zone (FCZ)* are removed; in the definition for *Multispecies finfish*, the Latin names for redfish and white hake are revised; in the definitions for *Mid-Atlantic area* and *New England area* the initials "FCZ" are removed and the initials "EEZ" are added in their place; the definitions for *Recreational fishing* and *Recreational fishing vessel* are revised; and new definitions for *Charter and party boats*, *Exclusive economic zone (EEZ)*, and *Regulated species*, are added in alphabetical order to read as follows:

§ 651.2 Definitions.

* * * * *

Charter and party boats means vessels carrying recreational fishing parties for a per capita fee or for a charter fee.

* * * * *

Exclusive Economic Zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea is measured.

* * * * *

Multispecies finfish * * *

Sebastes marinus Redfish.

Urophycis tenuis White hake.

* * * * *

Recreational fishing means fishing for finfish which does not result in their barter, trade, or sale.

Recreational fishing vessel means any vessel from which no fishing other than recreational fishing is conducted. Party and charter boats are not considered recreational fishing vessels.

* * * * *

Regulated species means a subset of multispecies finfish which includes Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, and redfish.

4. In § 651.3, a new paragraph (c) is added to read as follows:

§ 651.3 Relationship to other laws.

(c) Nothing in these regulations will supercede more restrictive State or local management measures for multispecies finfish.

5. In § 651.4, paragraphs (a)(1) and (2) are revised; paragraphs (b)(2) (ii) through (viii) are redesignated as (b)(2) (iii) through (ix), respectively; a new paragraph (b)(2)(ii) is added; paragraph (e) is revised; and in paragraph (m), the word "voids" is removed and "invalidates" is added in its place, to read as follows:

§ 651.4 Vessel permits.

(a) ***

(1) Any vessel of the United States fishing for multispecies finfish, except commercial vessels fishing exclusively within State waters and recreational fishing vessels, must have a permit required by this part aboard the vessel.

(2) Vessel owners or operators who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel's fishing, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ and without regard to where such fish or gear are possessed, taken, or landed) will be subject to all the requirements of this part. All such fishing, catch, and gear will remain subject to any applicable State or local requirements. If a requirement of this part and a conservation measure required by State or local law differ, any vessel owner or operator permitted to fish in the EEZ must comply with the more restrictive requirement.

(b) ***

(2) ***

(ii) If the vessel owner is a corporation, the officers' and shareholders' names and mailing addresses;

(e) *Expiration.* A permit expires on December 31 of each year.

6. In § 651.6, paragraphs (a) through (d) are redesignated as (b) through (e), respectively; in newly redesignated paragraph (e), the phrase "for hire" is removed and the phrase "on a per capita basis or by charter" is added in its

place; and a new paragraph (a) is added to read as follows:

§ 651.6 Vessel identification.

(a) *Vessel name.* Each fishing vessel subject to this part over 25 feet in length must display its name on the port and starboard sides of its bow and, as possible, on its stern.

7. In § 651.7, the words "multispecies finfish" or "cod, haddock, and yellowtail flounder" are removed and the words "regulated species" are added in their place in paragraphs (a)(1); (b) (1), (7), (8), and (10); and paragraphs (b) (6) and (17) and (d) are revised to read as follows:

§ 651.7 Prohibitions.

(b) ***

(6) Having been signaled by an authorized officer, dump on board or into the water the contents of the net before the authorized officer has permitted the net to be emptied;

(17) Transfer directly or indirectly, or attempt to transfer, to any vessel not having a permit under this part any U.S.-harvested, regulated species; or

(d) *Presumption.* The possession for sale of regulated species which do not meet the minimum sizes specified in § 651.23 for sale will be prima facie evidence that such regulated species were taken or imported in violation of these regulations. Evidence that such fish were harvested by a vessel not holding a permit under this part and fishing exclusively within State waters will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

8. Section 651.20 is revised to read as follows:

§ 651.20 Regulated mesh area and gear limitations.

(a) The mesh sizes stated in paragraphs (b) and (c) of this section will apply to all vessels fishing within the areas defined by accepted boundary limits and by straight lines (rhumb lines) connecting the following points in the order stated:

(1) *Gulf of Maine regulated mesh area* (Figure 1):

(i) Bounded on the east by the U.S.-Canada maritime boundary (point L to point M to point F);

(ii) Bounded on the south by a line from 42° 20' N. latitude, 67° 18.4' W. longitude (point F) to 42° 20' N. latitude, 70° W. longitude (point E) then southward to the intersection of 70° W. longitude with the territorial sea (point

D) then following the seaward limit of the territorial sea northward along the coasts of Massachusetts, New Hampshire and Maine to the U.S.-Canada maritime boundary (point L).

(2) *Georges Bank regulated mesh area* (Figure 1) bounded by straight lines connecting the following points:

Point	Intersection
Z.....	LORAN C bearing 9960-Y-43400 and 69°40' W.;
A.....	40°35.5' N., 69°40' W.;
B.....	41°35' N., 69°40' W.;
C.....	41°35' N. and the territorial sea;
D.....	Northward along the territorial sea to its intersection with 70° W.;
E.....	42°20' N., 70°00' W.;
F.....	42°20.0' N., 67°18.4' W. (on the U.S.-Canada maritime boundary);
G.....	The U.S.-Canada maritime boundary and LORAN C bearing 5930-Y-30750;
N1.....	LORAN C bearings 5930-Y-30750 and 9960-Y-43500;
N2.....	LORAN C bearing 9960-Y-43500 and 68°00' W.;
N3.....	LORAN C bearing 9960-Y-43450 and 68°00' W.;
N4.....	LORAN C bearing 9960-Y-43450 and 69°00' W.;
N5.....	LORAN C bearing 9960-Y-43400 and 69°00' W.;
Z.....	and LORAN C bearing 9960-Y-43400 and 69°40' W.;

(b) *Trawl nets*— (1) *Diamond mesh.* Except as provided for in §§ 651.20(b)(3), 651.20(d) and 651.22, the minimum mesh size for any trawl net, including midwater trawls, or Scottish seine used by a vessel fishing in the mesh areas described in paragraphs (a)(1) and (a)(2) of this section is 5½ inches for at least 75 continuous meshes forward of the terminus of the net (Figure 4).

(2) *Square mesh.* Vessels may use square mesh which the Regional Director has certified to be equivalent in terms of haddock escapement to the mesh sizes specified in paragraph (b)(1) of this section.

(3) *Selective shrimp gear.* Upon the recommendation of the Council, the regional Director, after consultation with the Atlantic States Marine Fisheries Commission, may permit the use of gear with smaller mesh than that required in § 651.20(b)(1) for vessels in the shrimp fishery which use gear that has been demonstrated to allow adequate escapement of juvenile regulated species.

(c) *Gill nets.* (1) The minimum mesh size for any bottom-tending gill net used by a vessel fishing in the mesh areas described in paragraph (a) of this section will be the same as that specified under paragraph (b) of this section.

(2) In other portions of the New England area not subject to minimum mesh size restrictions under paragraph (b) of this section, the mesh in bottom-tending gill nets must be the same during the months of November through February as that in effect for the

Georges Bank regulated mesh area, as defined in paragraph (a)(2) of this section.

(d) *Midwater gear exception.* (1) For the Georges Bank regulated mesh area, fishing for Atlantic herring or blueback herring, mackerel, and squids may take place throughout the fishing year with mesh sizes less than the regulated size, provided that:

(i) Midwater trawl gear is used exclusively;

(ii) The vessel deploying midwater gear is permitted by the Regional Director; and

(iii) The bycatch of regulated species does not exceed one percent by weight of herrings, mackerel, and squids on board the vessel.

(2) For the Gulf of Maine regulated mesh area, fishing for herring and mackerel may take place from December through May with mesh sizes less than the regulated size, provided that the requirements of § 651.20(d)(1) (i) and (ii) of this section are met and that the bycatch of regulated species does not exceed one percent by weight of herrings and mackerel on board the vessel.

(e) *Mesh measurements.* (1) Mesh sizes are measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of five kilograms. The mesh size will be the average of the measurements of any series of 20 consecutive meshes. The mesh in the regulated portion of the net will be measured at least five meshes away from the lacings, running parallel to the long axis of the net.

(2) A fishing vessel may not use any means or device which would obstruct the meshes on the top of the regulated portion of a trawl net, except that one net strengthener may be attached (only at its outside edges) to the top of the regulated portion of a trawl net, if such net strengthener consists of mesh material similar to the material of the regulated portion of the net and has a mesh size of at least twice the authorized minimum mesh size. "Top of the regulated portion of the net" means the 50 percent of the entire regulated portion of the net which (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor.

(f) Except as provided in paragraph (d) of this section, no vessel issued a permit under § 651.4 may have available for immediate use any net not meeting the requirements specified in paragraphs (b) and (c) of this section, or mesh that is rigged in a manner which is

inconsistent with § 651.20(e)(2), while in the areas described in paragraph (a) of this section. A net that conforms to one of the four following specifications and which cannot be shown to have been in recent use is considered to be "not available for immediate use":

(1) Nets stored below deck; or

(2) Nets stowed and lashed down on deck; or

(3) Nets on reels and which are covered and secured; or

(4) Nets on vessels which have the towing wires detached from the small-mesh gear.

9. In § 651.21, in paragraph (a)(1) in the table, "and" is removed from point d, and points e and f are added following point d; in paragraph (b) the paragraph heading is revised; and in paragraph (b)(2)(i) the year "1987" is removed and the words "of each year" are added in its place; paragraphs (b)(2)(ii) and (b)(3)(i)(B) are revised; a new paragraph (b)(3)(i)(C) is added; and paragraph (b)(3)(ii) is revised to read as follows:

§ 651.21 Closed areas.

(a) * * *

(1) * * *

Point	Latitude	Longitude
e	41°30' N.	69°00' W.
f	41°30' N.	69°23' W.; and
.	.	.

* * * * *

(b) *Southern New England Closed Area.* * * *

(2) * * *

(ii) The entire area will be reopened at 2400 hours on May 31 of each year, or at an earlier date after May 1 by notice in the *Federal Register*, when the Regional Director, after consultation with the Council, determines that the closure has achieved the appropriate spawning level for yellowtail and winter flounder.

(3) * * *

(i) * * *

(B) To dredge gear designed and used to take ocean quahogs or surf clams; and (C) Hook-and-line gear; however, the possession of yellowtail flounder by persons or vessels fishing with hook and line gear within this area is prohibited.

(ii) In the Southern New England Closed Area described in § 651.21(b), fishing with midwater trawl gear may be permitted by the Regional Director. Any person intending to use midwater trawl nets in the area described in paragraph (b) of this section must notify the Regional Director in writing 30 days prior to the date on which the nets will be used. The Regional Director will

issue a letter certifying the use of such nets. Fishing in these areas with midwater trawl nets may not commence without a letter of certification carried aboard the vessel. A vessel conducting such fishing may not retain aboard or land any regulated species.

10. In § 651.22, the second sentence of paragraph (a) is designated as (a)(1); a new paragraph (a)(2) is added below the table; and paragraphs (e)(1), (e)(2), and (f) are revised to read as follows:

§ 651.22 Exempted fishery programs.

(a) * * *

(2) The eastern boundary of the December-January combined whiting and shrimp exempted fishery is 69°00' W. longitude (Figure 1).

* * * * *

(e) *Limitations.* (1) During the period of participation in the exempted fisheries program, the vessel may not be employed to fish in the regulated mesh areas outside the area specified in paragraph (a) of this section. A vessel may not land regulated species in excess of the percentages specified in paragraph (e)(2) of this section over the period of participation in the program.

(2) Participation in the exempted fisheries program is subject to seasonal limitations, exempted species, and maximum regulated species percentage restrictions as follows:

Period	Target species	Comment
June through November.	Dogfish, herring, mackerel, red hake, silver hake, squid, and ocean pout.	Regulated species may not exceed 10% of the total landings of dogfish, herring, mackerel, red hake, silver hake, squid, and ocean pout during the reporting period.
December through January.	Whiting.....	Regulated species may not exceed 10% of the total landings of whiting and shrimp during the reporting period; the fishery will be monitored by at-sea sampling.
December through May or as specified by ASFMC.	Shrimp.....	Regulated species may not exceed 10% of the total landings of shrimp during the reporting period.

¹ The Northern Shrimp Section of the Atlantic States Marine Fisheries Commission is responsible for the management of northern shrimp. The Section has designated a regulatory period from December through May within which it sets the annual fishing season for northern shrimp. The Section has the authority to adjust the regulatory period or add additional measures appropriate for the conservation of northern shrimp. The Section will consult with the New England Fishery Management Council regarding recommendations to adjust the regulatory period, with respect to the management of multispecies.

* * * * *

(f) *Recordkeeping and reporting.* The reporting period for the exempted fisheries will be 30 calendar days. Within one week from the expiration of the reporting period or withdrawal from the program under paragraph (g) of this section, or receipt of a notice of revocation under paragraph (h) of this section, the participant must mail or deliver to the Regional Director a NOAA Form 88-153 "Fishing Vessel Record", or business records that provide equivalent information, listing in pounds all fish landed during participation in the exempted fishery program on a trip-by-trip basis, or documentation that no fishing occurred. If no fish were landed,

the participant must submit a document indicating no landings. The participant must provide, upon request of the Regional Director or his designee, trip landing records, kept in the normal course of business, that are certified as accurate by both the buyer and the seller for one year after his participation in the exempted fishery program to confirm the information required in NOAA Form 88-153. Buyer certification may be satisfied by the buyer's signature on the trip record that is retained by the seller (vessel operator). The responsible fishing vessel owner or operator may alternatively maintain accurate trip-by-trip landings data on a NOAA Form 88-153 provided on request from the Regional Director.

* * * * *

11. In § 651.23, paragraph (a) is revised to read as follows:

§ 651.23 Minimum fish size.

(a) The minimum sizes (total length) for certain regulated species follow:

(1) Commercial	Year 1	Year 2
Cod, haddock and pollock	17 inches....	19 inches.
Witch flounder (gray sole)	14 inches....	14 inches.

(1) Commercial	Year 1	Year 2
Yellowtail flounder	12 inches....	12 inches.
American plaice (dab)	12 inches....	12 inches.
Winter flounder (blackback)	11 inches....	11 inches.

(2) Recreational fishing vessels, charter and party boats, and individuals.

(i) Effective Year 1—Cod and haddock: 15 inches.

(ii) Effective Years 2 and 3—Cod and haddock: 17 inches.

(iii) Effective Year 4 and later—Cod and haddock: 19 inches.

(3) For purposes of paragraphs (a) (1) and (2) of this section, Year 1 is September 15, 1986, through September 30, 1987; Year 2 is October 1, 1987, through September 30, 1988; and Years 3 and later begin on October 1, 1988, and each year thereafter.

* * * * *

§ 651.25 [Amended]

13. In § 651.25(d), the words "large-mesh" are removed and the words "regulated mesh" are added in their place.

14. Figure 1 is revised to read as follows:

BILLING CODE 3510-22-M

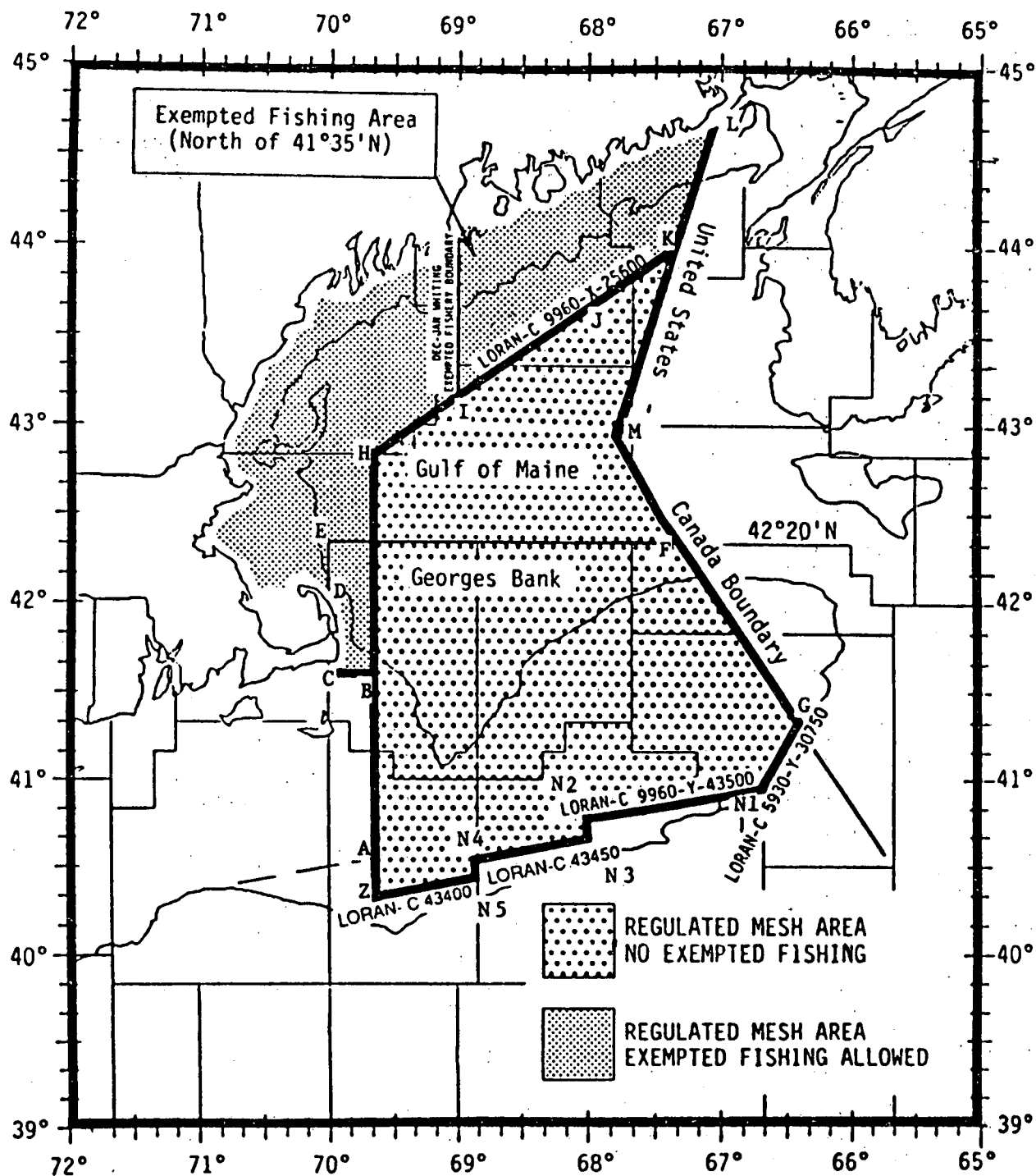


Figure 1. New England regulated mesh areas and areas of exempted and non-exempted fishing. See text for details. These areas are defined in §651.20(a). Loran lines are included for the convenience of fishermen. They are not to be relied upon for determining position for enforcement purposes.

15. A new Figure 4 is added as follows:

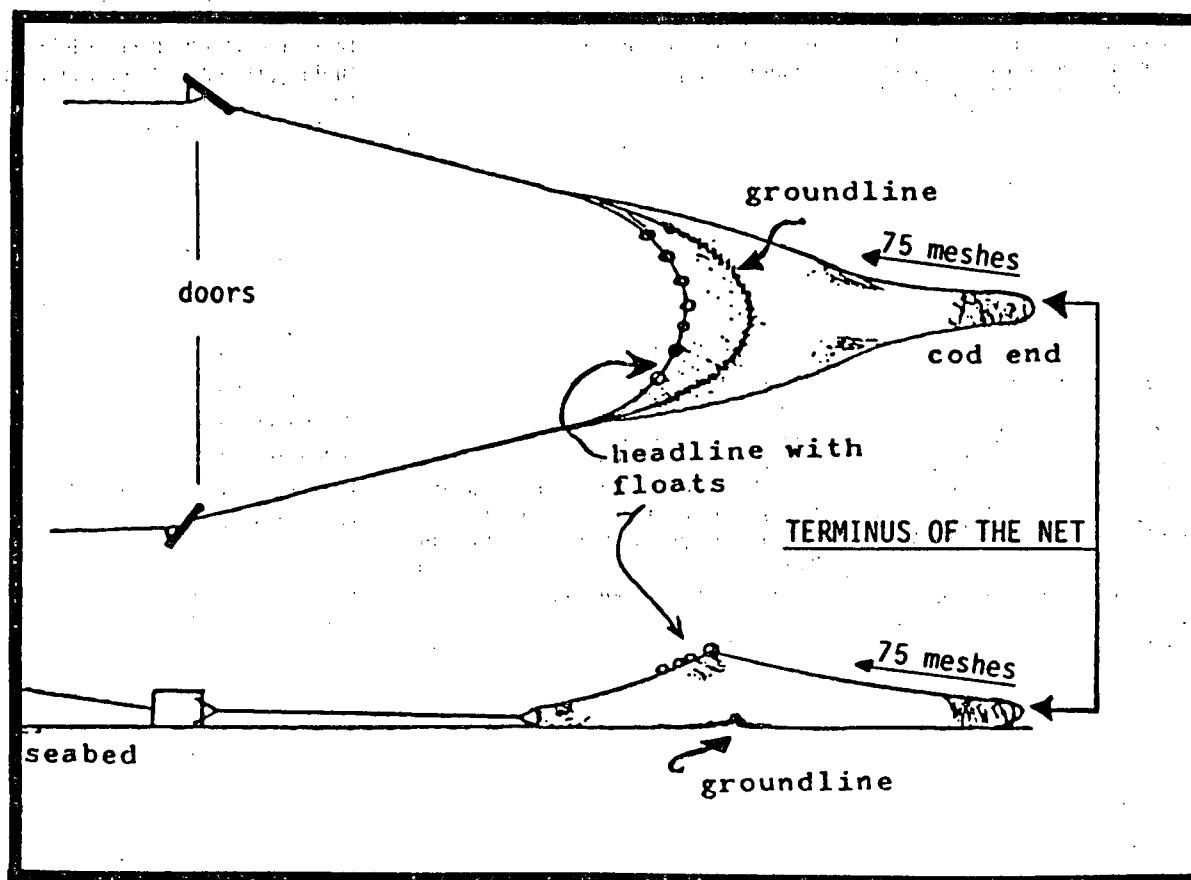


FIGURE 4 Diagram of a bottom trawl net showing the terminus of the net.

Notices

Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Import Limitation; Country of Origin Quota Adjustment for Certain Condensed Milk From Denmark

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of country of origin adjustment for certain condensed milk from Denmark.

SUMMARY: This notice adjusts the country of origin for the quota quantity of condensed milk in airtight containers assigned to Denmark.

EFFECTIVE DATE: June 26, 1987.

FOR FURTHER INFORMATION CONTACT:

Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, DC 20250 or telephone at (202) 447-5270.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be "nonmajor" since it will not have any of the significant effects specified in those documents. Furthermore, to the extent, if any, that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) apply to this notice, the Administrator, Foreign Agricultural Service, hereby certifies that this notice will not have a significant economic impact on a substantial number of small entities. The adjustment of the country of origin from which the quota item specified herein may be entered does not affect the ability of importers to import this quota item, but only expands the number of countries from which the item may be imported. Also, since this action is being taken in recognition of changes in the market which have already occurred,

this action will not cause any new economic impact.

Notice

Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) sets forth import limitations imposed on certain dairy products, including certain condensed milk. Headnote 3(a)(iii) of Part 3 of that Appendix allows for reallocating the quota amount of a dairy article listed in that Appendix among the countries of origin specified for a given article if it is determined that the quota amount assigned to a particular country is not likely to be entered from that country within a given calendar year. I hereby determine that it is not likely that the amount of condensed milk in airtight containers specified in TSUS Item 949.90 for Denmark will be entered from that country during calendar year 1987.

Notice is hereby given that the 1987 unused quota quantity for condensed milk in airtight containers specified in TSUS Item 949.90 for Denmark may be imported from Australia, Canada, Denmark and the Netherlands for the remainder of the 1987 quota year.

This quota quantity for TSUS Item 949.90 will revert to the original supplying country on January 1, 1988.

Issued at Washington, DC, this 17th day of June 1987.

Thomas O. Kay,
Administrator.

[FR Doc. 87-14193 Filed 6-22-87; 8:45 am]
BILLING CODE 3410-10-M

COMMISSION ON CIVIL RIGHTS

Maine State Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine State Advisory Committee to the Commission will convene at 7:00 p.m. and adjourn at 9:00 p.m. on July 20, 1987, at the Holiday Inn, Board Room, 380 Western Avenue, Augusta, Maine. The purpose of the meeting is to discuss the status of the agency and the future activities of the Committee.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Richard E.

Morgan (207-725-3296) or John I. Binkley, Director of the Eastern Regional Division (202-523-5264; TDD 202-376-8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 12, 1987.

Susan J. Prado,
Acting Staff Director.

[FR Doc. 87-14199 Filed 6-22-87; 8:45 am]
BILLING CODE 6335-01-M

New Hampshire State Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire State Advisory Committee to the Commission will convene at 12:00 noon and adjourn at 2:00 p.m. on July 15, 1987, at McLane, Graf, Raulerson & Middleton, 40 Stark Street, Manchester, New Hampshire. The purpose of the meeting is to discuss the status of the agency, plan its future activities, and hold a forum on "Civil Rights Issues in New Hampshire."

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Robert A. Wells (603-625-6464) or John I. Binkley, Director of the Eastern Regional Division (202-523-5264; TDD 202-376-8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 12, 1987.

Susan J. Prado,
Acting Staff Director.

[FR Doc. 87-14200 Filed 6-22-87; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****Export Trade Certificate of Review
Issued to Ira M. Ratner**

ACTION: Notice of issuance of an export trade certificate of review, Application #87-00006.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Ira M. Ratner d/b/a/ United States Business & Industry Development Service (U.S. B.I.D.S.). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. That is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the department of Commerce to publish a summary of a certificate in the *Federal Register*. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct*Export Trade*

All products.

Export Markets

All parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

U.S. B.I.D.S. may provide its clients with product-specific trade leads obtained through the Trade

Opportunities Program of the U.S. Department of Commerce.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: June 19, 1987.

George Muller,
*Acting Director, Office of Export Trading
Company Affairs.*

[FR Doc. 87-14344 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DR-M

**National Oceanic and Atmospheric
Administration**

[P397]

**Application for Marine Mammals;
Permit: Dr. Dan R. Salden**

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217 through 222).

1. Applicant: a. Name: Dr. Dan R. Salden, Box 1772, Southern Illinois University at Edwardsville, Edwardsville, IL 62026-1772.
2. Type of Permit: Scientific Research.
3. Name and Number of Marine Mammals: Humpback whales (*Megaptera novaeangliae*) 650/year.
4. Type of Take: The animals may be inadvertently harassed while being photographed for identification and photodocumented for behavioral interactions.

5. Location of Activity: Alaska and Hawaii.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington,

DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm. 805, Washington, DC;

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building, Juneau, Alaska 99802;

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: June 17, 1987.

Nancy Foster,

*Director, Office of Protected Resources and
Habitat Programs, National Marine Fisheries
Service.*

[FR Doc. 87-14263 Filed 6-22-87; 8:45am]

BILLING CODE 3510-22-M

**Issuance of Marine Mammals Permit:
Correction**

On Tuesday, May 5, 1987, notice was published in the *Federal Register*, Volume 52, Number 86, page 16429, that an application had been filed by Sea World, Inc., 1720 South Shores Road, San Diego, California 92109, for a permit to import two (2) white whales (*Delphinapterus leucas*) for the purpose of public display.

It should read: ". . . a permit to import eight (8) white whales . . ."

Nancy Foster,

*Director, Office of Protected Resources and
Habitat Programs.*

June 17, 1987.

[FR Doc. 87-14262 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Export Visa and Exempt Certification Requirements for Certain Man-Made Fiber Textile Products From the Republic of Korea

June 15, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the Bilateral Textile Agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea, has issued the directive published below to the Commissioner of Customs to be effective on June 24 1987. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

CITA directives dated May 19, 1972 as amended, and November 4, 1982, as amended, (37 FR 10605 and 47 FR 50940), and as further amended on May 20, 1987 (52 FR 19563), established export visa and exempt certification requirements for certain cotton, wool and man-made fiber, silk blend and other vegetable fiber textiles and textile products from Korea. The Governments of the United States and the Republic of Korea have reached agreement to further amend the visa and exempt certification requirements to exempt shipments of man-made fiber textile products in Category 670-O exported to the United States from Korea on and after January 1, 1987 through June 30, 1987 from the visa and exempt certification requirements. Shipments of merchandise in Category 670-O exported to the United States on and after July 1, 1987 will require a visa.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

Arthur Garel,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

June 15, 1987.

Commissioner of Customs,
*Department of the Treasury, Washington, DC
20229.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directives of May 19, 1972, as amended, and November 4, 1982, as amended, and as further amended on May 20, 1987, concerning export visa and exempt certification requirements for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea.

Effective on June 24, 1987, the directives of May 19, 1972 and November 4, 1982, as amended, are further amended to exempt visa and exempt certification requirements for shipments of man-made fiber textile products in Category 670-O,¹ produced or manufactured in Korea and exported to the United States on and after January 1, 1987 through June 30, 1987.

Merchandise in Category 670-O exported to the United States from Korea on and after July 1, 1987 will require a visa or exempt certification.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Arthur Garel,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

[FR Doc. 87-14218 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in the German Democratic Republic

June 18, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 24, 1987. For further information contact Chris Lozano, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port.

¹ In Category 670, all TSUSA numbers except 706.3415, 706.4130 and 706.4135.

Background

A notice was published in the *Federal Register* on October 23, 1986 (51 FR 37627) which announced that the United States Government, under Section 204 of the Agricultural Act of 1956, as amended, had requested the German Democratic Republic to enter into consultations concerning exports to the United States of men's other cotton coats in Category 334, produced or manufactured in the German Democratic Republic and exported to the United States.

On December 10, 1986 and February 27, 1987 the Governments of the United States and the German Democratic Republic exchanged diplomatic notes establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement for the period which began on January 1, 1987 and extends through December 31, 1989. The agreement establishes a specific limit for cotton textile products in Category 334, produced or manufactured in the German Democratic Republic and exported during the period which began on January 1, 1987 and extends through December 31, 1987.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 334, produced or manufactured in the German Democratic Republic and exported during the twelve-month period which began January 1, 1987 and extends through December 31, 1987, in excess of the designated specific limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to

assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 18, 1987.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated December 10, 1986 and February 27, 1987, between the Governments of the United States and the German Democratic Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 24, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 334, produced or manufactured in the German Democratic Republic and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987, in excess of 19,500 dozen.¹

Textile products in Category 334 which have been exported to the United States prior to January 1, 1987 shall not be subject to this directive.

Textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The restraint limit set forth above is subject to adjustment in the future according to the provisions of the agreement, effected by exchange of notes dated December 10, 1986 and February 27, 1987 between the Governments of the United States and the German Democratic Republic, which provides in part, that: (1) specific limits may be exceeded by not more than ten percent during an agreement year provided that any unused portion of the corresponding limit for the previous agreement year (carryover) or a portion of the corresponding limit for the succeeding agreement year (carryforward); no carryover shall be available during the first agreement year; (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of this agreement.

For the import period January 1, 1987 through April 30, 1987, there are no charges to be made to the restraint limit established in this directive for Category 334.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57504), April 4, 1984 (49 FR 13397), June 28,

1984 (49 FR 28622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-14215 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Korea

June 18, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 24, 1987. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-8041. For information on embargos and quota reopenings, please call (202) 377-3715.

Summary

The Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the Group I restraint limits for 1986 and 1987 and to deduct 494,018 pounds from charges made to the 1986 restraint limit for Category 627.

Background

CITA directives dated January 8, 1987 and December 23, 1986 (52 FR 1519 and 51 FR 47044) established import limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Korea and exported during the twelve-month periods which began on January 1, 1986 and extended through December 31, 1986 and on January 1, 1987 and extends through December 31, 1987, respectively.

The Governments of the United States and the Republic of Korea have agreed to amend the Bilateral Textile Agreement of November 21 and December 4, 1986 to increase the limits for cotton, wool and man-made fiber textile products in Categories 300-320, 360-363, 369-0, 400-429, 464-469, 600-627, 665-669 and 670-0, as a group, (Group I) produced or manufactured in Korea and exported during the agreement years 1986, 1987, 1988 and 1989. An error in the Census Bureau import data which were used as the basis for negotiation of these limits necessitated this increase.

The two governments also agreed that 494,018 pounds would be deducted from charges made to the restraint limit established for Category 627 for the period which began on January 1, 1986 and extended through December 31, 1986.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 18, 1987

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of January 8, 1987 and December 23, 1986, concerning certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Korea and exported during the twelve-month periods which began on January 1, 1986 and extended through December 31, 1986 and on January 1, 1987 and extends through December 31, 1987, respectively.

Effective on June 24, 1987, the directives of January 8, 1987 and December 23, 1986 are hereby amended to increase the limits previously established for cotton, wool and man-made fiber textile products in Group I (Categories 300-320, 360-363, 369-0,¹ 400-429,

¹ The limit has not been adjusted to account for any imports exported after December 31, 1986.

¹ In Category 369, all TSUSA numbers except 706.3210, 706.3650 and 706.4111.

464-469, 600-627, 665-669 and 670-0,² produced or manufactured in Korea and exported during 1986 and 1987.

Category	12-mo limit ¹ Jan. 1, 1986-Dec. 31, 1986
Group I	426,325,725 square yards equivalent.

¹ The limit has not been adjusted to account for any imports exported after December 31, 1985.

Category	12-mo limit ¹ Jan. 1, 1987-Dec. 31, 1987
Group I	430,972,675 square yards equivalent.

¹ The limit has not been adjusted to account for any imports exported after December 31, 1986.

Also effective on June 24, 1987, I request that you deduct 494,018 pounds from the charges made to the restraint limit established for man-made fiber textile products in Category 627, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1986 and extended through December 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-14216 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Turkey

June 18, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 24, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and

² In Category 670, all TSUSA numbers except 706.3415, 706.4130 and 706.4135.

quota re-openings, please call (202) 377-3715.

Background

CITA directives dated August 12, 1986 and April 3, 1987 (51 FR 47041 and 52 FR 11307) established import restraint limits for certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the periods which began, in the case of Categories 335, 340/640 and 341, on July 1, 1986; and, in the case of Category 350, on November 1, 1986; and extend through June 30, 1987.

Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of October 15, 1985, as amended and extended, and at the request of the Government of Turkey, the limits for Categories 341 and 350 are being increased by application of swing. The limits for Categories 335 and 340/640 are being reduced to account for the swing applied to Categories 350 and 341, respectively.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 18, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: The directive amends, but does not cancel, the directives of August 12, 1986 and April 3, 1987, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the periods which began, in the case of Categories 335, 340/640 and 341, on July 1, 1986; and, in the case of Category 350, on November 1, 1986; and extend through June 30, 1987.

Effective on June 24, 1987, the directives of August 12, 1986 and April 3, 1987 are

amended to include the following adjustments to the previously established restraint limits for cotton and man-made fiber textile products in the following categories, as provided under the terms of the bilateral agreement of October 15, 1985, as amended and extended:¹

Category	Adjusted 12-mo limit ¹
335	68,118 dozen.
340/640	393,389 dozen.
341	465,450 dozen of which not more than 192,600 dozen shall be in TSUSA numbers 384.4608, 384.4610 and 384.4612.
350	66,608 dozen.

¹ The provisions of the bilateral agreement provide, in part, that (1) specific limits may be increased by 7 percent swing during an agreement period and (2) specific limits may be increased by carryover and carryforward up to 11 percent of which carryforward shall not constitute more than 6 percent of the applicable category limit.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-14217 Filed 6-22-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket Nos. 86-44-NG, 86-45-NG, 86-46-NG, 86-48-NG, and 87-02-NG]

Brooklyn Union Gas Company et al.; Amendments to Pending Applications

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of amendments to pending applications.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on May 22, 1987, or amendments to five joint import applications currently pending before the ERA. The applications seek authority to import

¹ The provisions of the bilateral agreement provide, in part, that (1) specific limits may be increased by 7 percent swing during an agreement period and (2) specific limits may be increased by carryover and carryforward up to 11 percent of which carryforward shall not constitute more than 6 percent of the applicable category limit.

Canadian natural gas that would be purchased from Alberta Northeast Gas Ltd. (ANE), a Canadian corporation established by the applicants, and transported through the proposed Iroquois Gas Transmission System. They involve gas purchase contracts with different Canadian gas suppliers, but are otherwise substantially identical. By notice dated February 19, 1987 (52 FR 5817, February 26, 1987), the ERA consolidated all five applications into a single proceeding.

The amendments to the applications delete one of the applicants, South Jersey Gas Company (South Jersey), from all of the applications, and add a new applicant, Central Hudson Gas and Electric Corporation (Central Hudson), to all of the applications. South Jersey was to have purchased, 25,000 Mcf per day of natural gas from ANE. Central Hudson is proposing to purchase 10,000 Mcf per day of natural gas from ANE. Two other of the applicants, New Jersey Natural Gas Company and Long Island Lighting Company, will increase their proposed purchases from ANE by 5,000 Mcf per day and 10,000 Mcf per day respectively. There is no change in the total volumes of natural gas requested to be imported in the applications.

The amendments are filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments should be filed no later than 4:30 p.m., on July 23, 1987.

FOR FURTHER INFORMATION CONTACT:

Lot Cooke, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8116
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW. Washington, DC 20585 (202) 586-6667

SUPPLEMENTARY INFORMATION: The decision on these amended applications to import natural gas will be made consistent with the DOE's import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose the applications should address their responses on the issue of

competitiveness as set forth in the policy guidelines. The applications assert that the arrangements are competitive. Parties opposing these arrangements bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the applications, must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to these applications will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the applications. All protests, motions to intervene, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. The should filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8478. They must be filed no later than 4:30 p.m. e.s.t., July 23, 1987.

The Administrator intends to develop a decisional record on the applications through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, or oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the applications and responses filed by parties pursuant to this and previous notices, in accordance with 10 CFR 590.316.

A copy of the amended applications are available for inspection and copying on the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, DC, June 15, 1987.

Constance L. Buckley,
Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-14209 Filed 6-22-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Pre-Freshman Engineering Program (PREP); Solicitation

AGENCY: Department of Energy, Office of Energy Research.

ACTION: Program solicitation announcement.

SUMMARY: The purpose of this notice is to announce the availability of the PREP solicitation, to identify the institutions which will be eligible for this grant program, and to inform potential applicants of the closing date and location for submission of applications for awards under this program.

SUPPLEMENTARY INFORMATION:

Background

The Department of Energy (DOE) is concerned with the supply of science and engineering professionals to perform its R&D mission and is authorized in the Energy Reorganization Act of 1974 to "... assure an adequate supply of manpower for the accomplishment of energy research and development programs by sponsoring and assisting in education and training activities in postsecondary institutions, vocational schools, and other institutions. . . .", 42 U.S.C. 5813 (11).

Specifically, DOE's concern is based on the consideration that the future supply of engineering manpower is threatened by two factors: fewer students enrolling in science and mathematics courses in high school and

fewer students available to join the science and engineering pool due to declining birth rates. Students who have completed the ninth grade in high school often decide not to take another science or mathematics course. Once the traditional math/science sequence is disrupted, it is too late for students to meet the minimum requirements for admission to college and university engineering programs.

The primary purpose of PREP will be to alleviate manpower shortages in engineering by preparing and guiding high school students in the selection of college-preparatory courses in science and mathematics. In the past 14 years, two hundred and one PREP projects have been funded.

These projects have reached over thirteen thousand students, principally women and minorities who have been underrepresented in the field of engineering. Pending Congressional action, DOE intends to commit about \$300,000 for the Pre-Freshman Engineering Program for fiscal year 1988. DOE invites all qualified institutions (see following section) to write for a copy of its Pre-Freshman Engineering Program solicitation, DOE/ER-0330, Notice of Program Announcement Number DE-PS05-88ER75355.

Eligibility and Limitations

The overall intent of the program is to increase the number of engineers who graduate from college, and who will continue to play critically important roles in the Nation's overall energy programs. Since PREP is designed to accomplish this purpose by preparing high school students for, and guiding them in, the selection of college-preparatory courses in science and mathematics, institutions which offer engineering degree programs are deemed most qualified. Accordingly, pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b), applications will be accepted only from colleges and universities which grant

engineering degrees at the baccalaureate level, institutions which have articulation agreements with engineering degree-granting institutions and institutions which have formal dual-degree pre-engineering programs with institutions granting engineering degrees at the baccalaureate level. (If applying under the latter two categories, specific details should be given about the formal dual-degree program or articulation agreement). Other institutions interested in participating in PREP may do so through cooperative projects with engineering degree-granting institutions (in this case, the application must be submitted by the engineering degree-granting institution).

Application Forms

Program solicitations are expected to be ready for mailing by August 1, 1987. Applications must be prepared and submitted in accordance with the instructions and forms included in the program solicitation. Copies of this solicitation may be obtained by writing to: Division of University and Industry Programs, ER-44, Office of Field Operations Management, Office of Energy Research, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; Telephone Number: (202) 586-1634.

Closing Date for Submission of Applications

To be eligible, applications must be received by the Department of Energy by 4:30 p.m., October 30, 1987.

FOR FURTHER INFORMATION CONTACT: All communications or questions regarding this program solicitation should be directed to: PREP Contracting Officer; Procurement and Contracts Division; Oak Ridge Operations; Department of Energy; Oak Ridge, Tennessee 37831; Telephone Number: (615) 576-7564.

(Catalog of Federal Domestic Assistance No. 81.047, Pre-Freshman Engineering Program)

Issued in Washington, DC, on June 16, 1987.

James F. Decker,

Acting Director, Office of Energy Research.

[FR Doc. 87-14208 Filed 6-22-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. G-6686-002 et al.]

Union Texas Petroleum Corp. et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates¹

June 17, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 1, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
G-6686-002, D, May 27, 1987.	Union Texas Petroleum Corporation, P.O. Box 2120, Houston, Texas 77252-2120.	El Paso Natural Gas Company, Langlie Mattix Field, Lea County, New Mexico.	(1).....	
G-6614-000, D, May 27, 1987.	.....do.....	El Paso Natural Gas Company, Spraberry Trend Area, Regan & Upton Counties, Texas.	(1).....	
G-3636-004, D, May 26, 1987.	.....do.....	Texas Gas Transmission Corporation, Church Point & South Lewisburg Fields, Acadia Parish, Louisiana.	(1).....	

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
CI87-630-000, (CI73-343), B, May 22, 1987.	.....do.....	Columbia Gas Transmission Corporation, Block 273, East Cameron Area, Offshore Louisiana.	(1).....	
CI87-629-000, (CI75-646), B, May 22, 1987.	.....do.....	Transwestern Pipeline Company, Burton Flat Field, Eddy County, New Mexico.	(1).....	
CI87-628-000, (CI64-689), B, May 22, 1987.	.....do.....	El Paso Natural Gas Company, Crosby-Devonian Field, Lea County, New Mexico.	(1).....	
CI87-627-000, (CI75-729), B, May 22, 1987.	.....do.....	El Paso Natural Gas Company, South Carlsbad and Russell Fields, Eddy County, New Mexico.	(1).....	
CI87-626-000, (CI75-252), B, May 22, 1987.	.....do.....	El Paso Natural Gas Company, Crosby Deep Field, Lea County, New Mexico.	(1).....	
CI87-646-000, (CI77-840), B, May 26, 1987.	.....do.....	ANR Pipeline Company, Loisel Field, Iberia Parish, Louisiana.	(1).....	
CI87-645-000, (CI78-272 & CI64-902), B, May 26, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp. Ozona Field, Crockett County, Texas.	(1).....	
CI78-644-000, (CI78-909), B, May 26, 1987.	.....do.....	El Paso Natural Gas Company, Siegreist Draw Area, Eddy County, New Mexico.	(1).....	
CI87-641-000, (G-4659), B, May 27, 1987.	.....do.....	Williams Natural Gas Company, Sooner Trend Field, Kingfisher County, Oklahoma.	(1).....	
CI87-640-000, (CI75-677), B., May 27, 1987.	Union Texas Petroleum Corporation	Transwestern Pipeline Company, Crawford Field, Eddy County, New Mexico.	(1).....	
CI-87-639-000, (CI77-690), B, May 27, 1987.	.....do.....	Transwestern Pipeline Company, White City Penn Field, Eddy County, New Mexico.	(1).....	
CI87-638-00, (CI67-1028 & CI67-1030), B, May 27, 1987.	.....do.....	Transwestern Pipeline Company, Hamon Ellenburger Field, Reeves County, Texas.	(1).....	
CI87-637-000, (CI76-119), B, May 27, 1987.	.....do.....	El Paso Natural Gas Company, Parkway Morrow Field, Eddy County, New Mexico.	(1).....	
CI63-1104-001, D, May 29, 1984.	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corp., Dilworth Dome Field, McMullen County, Texas.	(2).....	
CI87-635-000, (G-12041), B, May 26, 1987.	.....do.....	Texas Eastern Transmission Corporation, Karon Slick Sand Unit, Karon Field, Live Oak County, Texas.	(3).....	
CI87-636-000, (G-8493), B, May 26, 1987.	.....do.....	.....do.....	(3).....	
CI87-652-000, (CI73-332), B, May 29, 1987.	.....do.....	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Ship Shoal Block 113 field, Offshore Louisiana.	(4).....	
CI87-653-000, (CI76-393), B, May 29, 1987.	.....do.....	Transwestern Pipeline Company, Permian Area, Eddy County, New Mexico.	(5).....	
CI87-615-000, (CI64-1060), B, May 21, 1987.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Texas Eastern Transmission Corporation, North Mission Valley Field, DeWitt County, Texas.	(6).....	
CI87-616-000, (CI64-1063), B, May 21, 1987.	.....do.....	Williams Natural Gas Company, Wakita Trend Field, Grant County, Oklahoma.	(7).....	
CI87-643-000, B, May 27, 1987.	Dugan Production Corp. P.O. Box 208, Farmington, New Mexico 87499.	El Paso Natural Gas Company, Big Eight #1 Well, Largo Federal B #1 Well, Mountain #1 Well, Bisti Lower Gallup Field, Potwin Pictured Cliffs, San Juan County, New Mexico.	(8).....	
CI87-656-000, B, May 27, 1987.	.....do.....	Northwest Pipeline Corporation, Mary Anne #1 Well, Sixteen Gas #1 Well, Bisti Lower Gallup Field, San Juan County, New Mexico.	(8).....	
CI87-619-000, F, June 1, 1987.	Union Oil Company of California, (Succ. in Interest to Tenneco Oil Company), P.O. Box 7600, Los Angeles, Calif. 90051.	ANR Pipeline Company, Laverne Field, Harper County, Oklahoma.	(9).....	

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
CI87-665-000, (CI67-1366), B, June 2, 1987.	Union Oil Company of California.....	El Paso Natural Gas Company, Gomez Field, Pecos County, Texas.	(10).....	
CI77-822-001, D, May 27, 1987.	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Division of Enron Corp., Sec. 24-28N-26W, Harper County, Oklahoma.	(11).....	
CI87-642-000, (CI76-151), B, May 27, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp., SE/4 NE/4 Section 22, Block 12, University Lands Survey, Andrews County, Texas.	(12).....	
CI87-657-000, B, May 29, 1987.	Viking Operating Co., Agent for Inabnet Estate, P.O. Box 2441, Monroe, LA. 71207.	Primos Production Co., Monroe Field, Ouachita Parish, Louisiana.	(13).....	
CI87-658-000, (CI84-489-000), B, May 29, 1987.	Viking Resources, Inc., P.O. Box 2441, Monroe, La. 71207.	.....do.....	(13).....	
CI87-649-000, (CI67-98-000), B, May 26, 1987.	Amoco Production Company, P.O. Box 50879, New Orleans, La. 70150.	United Gas Pipe Line Company, SW/4 Section 44, S/2 Section 45 and S/2 Sec. 46-T20S-R29E, SW/4 Section 44, Sections 45 and 46, T20S, R29E, Plaquemines Parish, Louisiana.	(14).....	
CI87-651-000, (CI69-319), B, May 29, 1987.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052.	ANR Pipeline Company, West Cameron Block 17 Field, Offshore Louisiana.	(16).....	
CI87-632-000, (CI75-481), B, May 26, 1987.	Mobil Exploration and Producing North America Inc., Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, Louisiana.	(17).....	
CI87-625-000, B, May 26, 1987.	Questa Energy Corporation, P.O. Box 19297, Amarillo, Texas 79114.	Northern Natural Gas Company, Division of Enron Corp., West Wil Field Edwards County, Kansas.	(18).....	
CI87-664-000, B, June 1, 1984.	J. D. Burke, P.O. Box 1336, Corpus Christi, Texas 78403.	United Gas Pipe Line Company, Marshall Field, Goliad County, Texas.	(19).....	
CI86-549-001, D, June 1, 1987.	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Consolidated Gas Transmission Corp., Clearfield County, Pennsylvania.	(20).....	
CI87-670-000, B, June 4, 1987.	Hamon Operating Company.....	Southern Natural Gas Company, Section 28 Field, St. Martin Parish, Louisiana.	(21).....	
CI87-671-000, B, June 4, 1987.	.....do.....	Natural Gas Pipeline Company of America, Sixty-Nine (Penn Detrital), Pecos County Texas.	(22).....	
CI87-1228-001, D, June 5, 1987.	ARCO Oil & Gas Company, Division of Atlantic Richfield Company.	Pioneer Gas Products, Godfrey #1-22, Bryan County, Oklahoma.	(23).....	
CI87-681-000, (CI62-121), B, June 5, 1987.	Maxus Exploration Company, LTV Center, 2001 Ross Avenue, Dallas, Texas 75201.	Northern Natural Gas Company, Division of Enron Corp., Edith B. Steele "C" Well, Hansford County, Texas.	(24).....	
CI87-682-000, (G-19720), B, June 5, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp., Ochiltree County, Texas.	(25).....	
CI66-267-000, F, June 5, 1987.	Amoco Production Company (Succ. in Interest to Texaco Inc.).	Columbia Gas Transmission Corporation, West Delta 73 Field, Offshore Louisiana.	(26).....	
G-7212-001, June 8, 1987.	Warren Petroleum Company (Operator), A Division of Chevron U.S.A. Inc., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Company, North Snyder Gas Processing Plant, Scurry County, Texas.	(27).....	
CI87-672-000, (G-19368), B, June 4, 1987.	Union Texas Petroleum Corporation.....	El Paso Natural Gas Company, Crosby Devonian Field, Eddy County, New Mexico.	(1).....	
CI87-675-000, (CI65-150), B, June 4, 1987.	.....do.....	El Paso Natural Gas Company, Blinbry-Tubbs Field, Eddy County, New Mexico.	(1).....	
CI87-676-000, (CI76-598), B, June 4, 1987.	Union Texas Petroleum Corporation.....	Phillips Petroleum Company, North Avalon Field, Eddy County, New Mexico.	(1).....	
CI87-676-000, (CI76-598), B, June 4, 1987.	Union Texas Petroleum Corporation.....	Phillips Petroleum Company, North Avalon Field, Eddy County, New Mexico.	(1).....	

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
CI87-677-000, (CI76-485), B, June 4, 1987.	.....do.....	El Paso Natural Gas Company, Morrow Field, Eddy County, New Mexico.	(¹).....	
CI87-673-000, (CI64-1456), B, June 4, 1987.	.....do.....	Arkansas Louisiana Gas Company, N.E. Ames Field, Major County, Oklahoma.	(¹).....	
CI87-674-000, (CI67-1207), B, June 4, 1987.	.....do.....	Lone Star Gas Company, a Division of ENSERCH Corporation, E. Durant Field, Bryan County, Oklahoma.	(²⁸).....	
CI87-690-000, (G-14227), B, June 8, 1987.	.....do.....	Transcontinental Gas Pipe Line Corp., Lower Vacherie Field, St. James Parish, Louisiana.	(¹).....	
G-2897-000, B, May 15, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Colorado Interstate Gas Company, Hugoton Field, Grant and Kearney Counties, Kansas.	(³⁰).....	
G-13385-000, B, May 15, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp., Hugoton Field, Finney County, Kansas.	(³⁰).....	
CI65-1267-000, B, May 15, 1987.	.....do.....	El Paso Natural Gas Company, Hugoton Field, Stevens and Grant Counties, Kansas.	(³⁰).....	
CI66-572-001, B, May 15, 1987.	.....do.....	K N Energy, Inc., Beauchamp Field, Stanton County, Kansas.	(³⁰).....	
CI87-650-000, B, May 28, 1987.	Berenergy Corporation, 1801 California Street, Suite 3900, Denver, Colorado 80202.	Natural Gas Pipeline Company of America, Section 5, Block 4, GH&H Survey, North Farnsworth Field, Ochiltree County, Texas.	(³¹).....	
CI87-583-000, B, May 12, 1987.	Davis Gas Processing, Inc., c/o Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue, N.W., P.O. Box 407, Washington, DC 20044.	Enron Gas Marketing, Inc., Big Lake Gas Processing Plant, Reagan County, Texas.	(³³).....	

¹ Effective 10-1-86, Union conveyed the acreage to American Exploration Acquisition Company.

² ARCO no longer has an interest in 160 acres out of Lease SOC-6002-001 surrounding the George Sealy Estate Well No. 1 and assigned said acreage to Petrus Oil Company effective 5-1-86.

³ Effective 5-1-86, acreage sold to Texaco Producing Inc.

⁴ All wells on Ship Shoal Block 94, OCS-G-1983 were plugged and abandoned and lease expired on 7-7-86.

⁵ Acreage subject to Rate Schedule No. 703 was assigned to Yates Petroleum Corporation effective 1-1-87.

⁶ Tenneco Oil Company has surrendered and ceased production on all dedicated leases.

⁷ Tenneco Oil Company sold all dedicated acreage to Vernon E. Faulconer effective May 1, 1984, and TOC has no longer an interest in said acreage dedicated to TOC's contract dated 9-1-77.

⁸ Due to market and operational constraints El Paso and Northwest are unable or unwilling to purchase the gas from said wells, and Dugan has been able to enter into a gas purchase agreement with Mesa Operating Limited Partnership for the sale of the gas.

⁹ By an Assignment and Bill of Sale document executed 1-8-87, effective 12-1-86, Tenneco assigned to Union all of its rights, title and interest in a certain lease located in Sec. 19-T26N-R23W, Harper County, Oklahoma, including the J. F. Mobely Gas Unit Well No. 1 and the production therefrom.

¹⁰ Contract has expired and Purchaser has not offered new contract.

¹¹ By Assignment of Oil and Gas Lease(s) and Bill of Sale executed 7-15-86, effective 5-1-86, Cities assigned its interest in the Hanzel Unit covered by contract dated 8-9-77 and sold Well #1 located thereon to Kaiser-Francis Oil Co.

¹² By Assignment of Oil and Gas Lease and Bill of Sale executed 11-4-86, effective 10-1-86, Cities assigned its interest in the lease covered by contract dated 7-1-75 and sold Well #3 located thereon to Fina Oil and Chemical Company.

¹³ Primos Production Co.'s contract with Sonat has expired 5-18-87, and Applicant plans to continue sales to Primos Production Co., if they find a market for the gas.

¹⁴ End of the term of the Contract (October 1986); Purchaser is unwilling to honor its certificate obligations to take and pay for gas producible from the dedicated acreage.

¹⁵ Not used.

¹⁶ By Assignments dated 2-17-87, effective 1-1-87, Texaco Inc. assigned to Chevron U.S.A., Inc. all of its right, title, and interest in and to State Lease No. F0002 (Block 18 West Cameron Blocks 18 and 47, Offshore Louisiana).

¹⁷ Reserves depleted and contract terminated.

¹⁸ Gas Purchase Contract terminated by Seller due to the subject wells inability to produce in sufficient quantities to be commercial to Seller. Termination approved by Purchaser.

¹⁹ Loss of Market.

²⁰ Release of undeveloped acreage of 110 acres, more or less.

²¹ Depleted reserves and no further development anticipated.

²² Depleted reserves and well plugged and abandoned.

²³ Effective 1-1-87, ARCO assigned its interest in certain acreage to Hondo Oil and Gas Company.

²⁴ Edith B. Steele "C" Well the only producing well covered by this certificate, was plugged and abandoned on 1-28-78.

²⁵ Reservoir has been depleted.

²⁶ By assignment dated 3-1-84, Amoco has purchased certain interests from Texaco, Inc. in the West Delta 73 Field, Offshore Louisiana.

²⁷ Applicant is filing for an additional delivery point.

²⁸ The Park College Unit No. 1 Well, the only producing well on the acreage dedicated to the contract filed as FERC Gas Rate Schedule #90, was plugged and abandoned on 1-6-75. The acreage was released to the lessor and Union Texas Petroleum Corporation no longer has an interest in the acreage.

²⁹ Not used.

³⁰ To release gas for irrigation fuel.

³¹ At the price of 50 cents/Mcf and deliverability level of 150 MMBtu/d Applicant cannot economically justify making the necessary investment in compression to cause this gas to resume flowing into Natural's line. By the same token, Natural is unwilling to absorb the costs of such compression and has no contractual obligation. Applicant has located an alternative purchaser which is willing to lay a low pressure interconnection facility to receive Applicant's gas at the wellhead, thereby eliminating the need for added compression.

³² Additional material received June 9, 1987.

³³ The primary term of Applicant's contract with Enron Gas Marketing, Inc. expires July 1, 1987, and continues thereafter on a month-to-month basis. Applicant requests abandonment with 3-year pregranted abandonment for sales under its small producer certificate. The last effective rate is \$1.50 per MMBtu. After processing, approximately 5,000 Mcf of residual gas is available for sale. The gas is NGPA section 102 (6%), 103 (62%), 104 (4%), 106 (12%), 108 (14%), and 109 (2%). This application is intended to cover the producers selling to Applicant behind the plant.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Do. 87-14254 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-2-991]

East Tennessee Natural Gas Co.; PGA Filing To Track Changes In Supplier Rates

June 17, 1987.

Take notice that on June 11, 1987, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Second Substitute Twenty-seventh Revised Sheet No. 4 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1987.

East Tennessee states that the purpose of the revised tariff sheet is to track changes in the rates of East Tennessee's supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

East Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 24, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14247 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2295]

John J. Hudiburg; Notice of Filing

June 12, 1987.

Take notice that on June 8, 1987, John J. Hudiburg filed an application pursuant to section 305(b) of the Federal Power Act to continue to hold the following positions:

Director, Chairman of the Board and Chief Executive Officer; Florida Power & Light Company.

Director, Chairman of the Board; NCNB National Bank of Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14251 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-711-000]

New England Power Co.; Notice of Filing

June 17, 1987.

Take notice that on June 5, 1987, New England Power Company (NEP) tendered for filing pursuant to Rule 212 of the Commission's Rules of Practice and Procedure a motion to amend its filing originally submitted on September 19, 1986, in the above-captioned docket, and amended on November 3, 1986, December 29, 1986, and January 20, 1987.

By motion dated December 31, 1986,

NEP requested that the Commission defer action on NEP's filing until NEP was able to respond to additional information requests of the Commission's Division of Electric Power Application Review. In the instant filing, NEP requests that the Commission no longer defer action on its submittal and approve the filing as amended.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14252 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-4-5-002]

Midwestern Gas Transmission Co.; Notice of PGA Filing To Track Changes In Supplier Rates

June 17, 1987.

Take notice that on June 11, 1987, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Twenty-fifth Revised Sheet No. 5, to be effective July 1, 1987, to Original Volume No. 1 of its FERC Gas Tariff.

Midwestern states that the purpose of the revised tariff sheet is to track changes in the rates of Midwestern's supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory

commissions. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 24, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14248 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2084]

Donald B. Riefler; Notice of Filing

June 17, 1987.

Take notice that on June 11, 1987, Donald B. Riefler filed a Letter of Advice pursuant to section 305(b) of the Federal Power Act for Commission authorization to continue to hold the following position:

Director, Niagara Mohawk Power Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14253 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-9-001]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Revised PGA Filing

June 17, 1987.

Take notice that on June 10, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Substitute Second Revised Sheet No. 20 to Second Revised Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1987.

Tennessee states that the purpose of the revised tariff sheet is to revise Tennessee's rates to reflect Tennessee's withdrawal of \$3.9 million in inventory carrying charges included as part of the current adjustment to its Demand Rate in its May 29, 1987 PGA filing.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 24, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14249 Filed 6-22-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed; Period of May 18 Through May 29, 1987

During the week of May 18 through May 29, 1987, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10

CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 16, 1987.

Kern Oil & Refining Co., Bakersfield, California; KRO-0520, Crude Oil

On May 27, 1987, Kern Oil & Refining Company, Rt. 6, Box 336, Bakersfield, California 93307 filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston District Office of Enforcement issued to the firm on March 31, 1987. In the PRO the Houston Office found that during October 1979 to December 1980, Kern miscertified crude oil in violation of the Entitlements Program, 10 CFR Parts 205, 210 and 211.

According to the PRO the violation resulted in \$25,242,016 of overcharges.

[FR Doc. 87-14212 Filed 6-22-87; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of \$88,848.88 obtained as a result of separate consent orders which the DOE entered into with McCleary Oil Company, Inc. (McCleary), a reseller-retailer of refined petroleum products located in Chambersburg, Pennsylvania, and Pacific Northern Oil Company (Panoco), a reseller-retailer of motor gasoline located in Seattle, Washington. The money is being held in separate escrow accounts following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the McCleary or Panoco consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the Federal Register. A

claimant filing an application for a share of the McCleary fund should refer to Case Number HEF-0127; a claimant filling an application for a share of the Panoco fund should refer to Case Number HEF-0144. Applications should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Mr. Max W. Yano, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6802.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to separate consent orders entered into by the DOE and McCleary Oil Company, Inc. (McCleary) and Pacific Northern Oil Company (Panoco). The McCleary Consent Order settled possible pricing violations in that firm's sales of Nos. 2, 4 and 5 heating oil, gasoline, kerosene and diesel fuel (McCleary covered products) during the period November 1, 1973 through April 30, 1974. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the McCleary consent order fund was issued on January 15, 1986. 51 FR 3247 (January 24, 1986). The Panoco consent order settled alleged violations concerning Panoco's sales of motor gasoline during the consent order period, November 1, 1973, through April 30, 1974. The Panoco Proposed Decision and Order was issued on January 14, 1986. 51 FR 3242 (January 24, 1986).

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of the escrow accounts funded by McCleary and Panoco pursuant to their respective consent orders. In the McCleary proceeding, the DOE has decided that a portion of the McCleary fund should be distributed to six first purchaser/end-users which the DOE audit indicated may have been overcharged, provided each files an Application for Refund and adequately demonstrates injury. Similarly, a share of the Panoco fund will be distributed to three identified resellers of Panoco motor gasoline provided each files an application and is able to prove its claim. Applications for Refunds will be accepted in both proceedings from first purchasers and downstream customers not identified by the DOE audits. In

order to receive a refund, an unidentified claimant will be required to submit a schedule of its monthly purchases of either McCleary or Panoco product and to demonstrate that it was injured by its supplier's pricing practices. A downstream purchaser must also submit the name of its immediate supplier and indicate why it believes the product claimed was originally sold by McCleary or Panoco.

As the accompanying Decision and Order indicated, Applications for Refunds may now be filed by customers that purchased either McCleary covered products or Panoco motor gasoline during the relevant consent order period. Applications will be accepted provided they are filed in duplicate and received no later than 90 days after publication of this Decision and Order in the **Federal Register**. The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: June 15, 1987.

George B. Breznay,
Director, Office of Hearings and Appeals.
June 15, 1987.

Decision and Order—Implementation of Special Refund Procedures

Names of Firms: McCleary Oil Company, Inc., Pacific Northern Oil Company.

Dates of Filing: October 13, 1983,
October 13, 1983.

Case Numbers: HEF-0127, HEF-0144.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. See 10 CFR, Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with McCleary Oil Company, Inc. (McCleary) and Pacific Northern Oil Company (Panoco). This Decision and Order contains the procedures which the OHA has formulated to distribute the funds received pursuant to these consent orders.

I. Background

Both McCleary and Panoco are "reseller-retailers" of refined petroleum products as that term was defined in 10 CFR § 212.31. McCleary is located in Chambersburg, Pennsylvania; Panoco is located in Seattle, Washington. A DOE

audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. Subsequently, each firm entered into a separate consent order with the DOE. The consent orders refer to ERA's allegations of overcharges, but note that there were no findings that violations occurred. In addition, both consent orders state that the subject firm does not admit that it committed any such violations. A brief discussion of other pertinent matters covered by the consent orders follows.

In the McCleary proceeding, the DOE audit alleged that between November 1, 1973 and April 30, 1974, McCleary committed pricing violations in its sales of Nos. 2, 4 and 5 heating oil, gasoline, kerosene, and diesel fuel (hereinafter "McCleary covered products"). The McCleary consent order, executed on August 15, 1979, settled all claims and disputes between McCleary and the DOE regarding the firm's sales of covered products during the period covered by the audit. Under the terms of the consent order, McCleary agreed to deposit \$61,000 into an interest-bearing escrow account for ultimate distribution by the DOE. The consent order was paid in full on August 7, 1981.¹

In the Panoco proceeding, the DOE alleged that between November 1, 1973 and April 30, 1974, Panoco committed certain pricing violations with respect to its sales of motor gasoline. In order to settle all claims and disputes between Panoco and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Panoco and the DOE entered into a consent order on September 1, 1981. Under the terms of the consent order, Panoco agreed to deposit \$22,428, plus installment interest, into an interest-bearing escrow account for ultimate distribution by the DOE. This amount was paid in full on October 15, 1983.² Including installment interest, Panoco's actual deposits total \$27,848.88.³

¹ As of May 31, 1987, the McCleary escrow account contained a total of \$114,148.11, representing \$61,000 in principal and \$53,148.11 in accrued interest.

² The original settlement amount total \$28,514. Pursuant to the consent order, \$6,086 of that sum was refunded to the Boeing Company of Seattle, Washington, and the remaining \$22,428 was deposited into escrow. As a result, Boeing will not be allowed to apply for a refund in this proceeding.

³ As of May 31, 1987, the Panoco escrow account contained \$38,247.86, representing \$27,848.88 in principal (including installment interest) and \$10,398.98 in accrued interest.

II. Jurisdiction and Authority To Fashion Refund Procedures

The general guidelines which OHA may use to formulate and implement a plan to distribute funds received as a result of an enforcement proceeding are set forth in 10 CFR Part 205, Subpart V. The Subpart V procedures may be used in situations where the DOE is unable either to readily identify those persons who might have been injured by any alleged overcharges or to ascertain the amount of such injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (*Coline*), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

The OHA issued Proposed Decisions and Orders (PD&Os) in the McCleary and Panoco proceedings on January 15, 1986 and January 14, 1986, respectively. 51 FR 3247 (January 24, 1986); 51 FR 3242 (January 24, 1986). The PD&Os state that the basic purpose of the special refund proceeding is to make restitution for injuries experienced as a result of actual or alleged violations of the DOE regulations and to outline tentative plans for distributing refunds to those injured parties.

In order to notify all potentially affected parties, copies of the Proposed Decisions were published in the *Federal Register* and comments regarding the proposed procedures were solicited. In addition, copies of the PD&Os were sent to purchasers identified in the ERA audits and various petroleum dealers' associations. While none of the consent order firms' customers submitted comments on the proposed procedures, comments were submitted in both proceedings on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, Utah, and West Virginia, and by the State of Pennsylvania in the McCleary proceeding. These comments concern the distribution of any funds remaining after refunds have been made to injured parties. The purpose of this decision is to establish procedures for filing and processing claims in the first stage of the McCleary and Panoco refund proceedings. In determining the manner of indirect restitution, we will act in accordance with the provisions of the recently enacted Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), Pub. L. No. 99-509, Title III. See 51 FR 43964 (December 5, 1986) (first PODRA distribution). Since we received no comments concerning the first stage procedures in either case, we will adopt them as proposed.

III. Distribution of Refunds

As we proposed in the PD&Os, we will rely in part on the information in the audit files to identify certain allegedly overcharged parties and ascertain the amount of the alleged overcharges. See, e.g., *Dalco Petroleum, Inc.*, 14 DOE ¶85,248 (1986). With respect to the overcharges to unidentified purchasers which were found in both audits, we will use the volumetric allocation methodology to determine the proper refund amounts for any such claimants. See, e.g., *Propane Gas and Appliance Company*, 14 DOE ¶85,244 (1986).

As stated in the PD&Os, the ERA audit identified six first purchaser/end-users of McCleary covered products and three reseller-purchasers of Panoco motor gasoline and allocated a portion of the respective consent order funds to each purchaser.⁴ These amounts, which are listed in Appendices A and B, will be set aside for the named purchasers.⁵ As the PD&O stated, the remaining funds in each account will be allotted to as yet unidentified claimants. The procedures for distribution of funds to unidentified purchasers, i.e., using the volumetric method) follows in Section V.

IV. Demonstration of Injury

Identification of first purchasers is only the first step in the distribution process. We must also determine whether the first purchasers were injured or were able to pass through the alleged overcharges. Besides considering the information which the audit files provide, we will adopt two rebuttable presumptions and two

⁴The refunds assigned to Panoco's identified customers have been adjusted from those listed in the consent order to reflect the larger principal amount in escrow produced by Panoco's payment of installment interest. The refund amounts were recalculated as follows: we divided the \$22,428 original principal amount into the new principal amount, \$27,848.88, to obtain a factor of 1.241701. We then multiplied this factor by the amounts assigned to each firm by ERA to obtain the revised refund amounts.

⁵One of the identified purchasers named in the Panoco proceeding, Maxwell Oil Company (Maxwell), was itself a party to a Consent Order with the ERA as a result of a DOE enforcement proceeding. See Maxwell Oil Company, Case No. HEF-0125. According to the terms of the Consent Order, Maxwell was to remit \$9,743.39, plus interest, to the DOE. However, Maxwell failed to make any such payments. The matter of Maxwell's delinquent escrow account was partially settled in a recent Decision and Order in which we directed a \$9,766.03 refund approved for Maxwell into the Maxwell escrow account. Gull Industries, Inc./Maxwell Oil Company, Inc., 16 DOE ¶(RF260-17, RF259-19) (May 1, 1987). The approved refund covered Maxwell's total principal debt, but only partially covered its interest obligation. Therefore, in the event Maxwell files a claim in this case, the fact that Maxwell has not completely fulfilled its settlement obligation may be taken into consideration when evaluating its refund claim.

findings regarding injury. First, we will presume that purchasers of McCleary covered products or Panoco motor gasoline that are claiming small refunds (\$5,000 or less) were injured by the alleged overcharges.⁶ In addition, we find that end-users or ultimate consumers of McCleary covered products or Panoco motor gasoline whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges. Both small claims applicants and end-users need only provide evidence of their purchases from the consent order firm in order to claim their full allocable share of the appropriate fund. In the absence of compelling material, we will also presume that spot purchasers were not injured. Finally, we will not require a detailed demonstration of injury from regulated utilities or agricultural cooperatives that purchased McCleary covered products or Panoco motor gasoline and passed the alleged overcharges associated with those products through to their end-user members.⁷ These presumptions and findings permit claimants to apply for refunds without incurring prohibitively high expenses. Prior OHA decisions explain additional reasons for adopting these presumptions and findings. E.g., *Peterson Petroleum, Inc.*, 13 DOE ¶85,191 at 88,508-10 (1985). The rationale for their use was also fully explained in the PD&Os. 51 FR 3247 at 3,248-50 (McCleary); 51 FR. 3242 at 3,243-45 (Panoco).

In both cases, a reseller or retailer which claims a refund in excess of \$5,000 will be required to provide a detailed demonstration of its injury. Such a claimant will be expected to provide a schedule of (1) its monthly bank of unrecovered product costs through the decontrol date of the product claimed,⁸ and (2) its average monthly acquisition costs in order to demonstrate that it did not pass through the alleged overcharges in the form of higher selling prices.⁹

⁶We note that all of McCleary's identified purchasers were assigned refund amounts below the \$5,000 small claims threshold. Consequently, these claimants will not be expected to provide a detailed demonstration of injury.

⁷We will require such applicants to certify that they will pass any refund received through to their customers, to provide us with a full explanation of how they plan to accomplish this restitution, and to notify the appropriate regulatory body or membership group of their receipt of any refund money.

⁸The relevant decontrol dates are as follows: Nos. 1 and 2 fuel oil, diesel fuel and kerosene, July 1, 1976; Nos. 4 and 5 heating oil, June 1, 1976; and gasoline; January 28, 1981.

⁹Resellers or retailers who claim a refund in excess of \$5,000 but who cannot establish that they

Continued

V. Calculation of Refund Amounts

In both the McCleary and Panoco proceedings, we will use a volumetric method to compute the refunds to eligible applicants who were not identified in the ERA audits. This method presumes that the alleged overcharges were dispersed evenly among all sales of covered products made by McCleary and all sales of motor gasoline made by Panoco during the respective consent order periods. Under the volumetric method, a claimant will be eligible for a refund equal to the number of gallons of McCleary covered product(s) or Panoco motor gasoline that it purchased during the consent order period multiplied by the appropriate volumetric factor. The volumetric factor, or average per gallon refund, equals \$0.017834 per gallon in the McCleary case, and \$0.007160 per gallon in the Panoco proceeding.¹⁰

We recognize that the impact on an individual purchaser could have been greater than that estimated by using the volumetric factor, and any purchaser may file a refund application based on a claim that it incurred a disproportionate share of the alleged overcharges. See *Sid Richardson Carbon & Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶85,054 at 88,164 (1984), and cases cited therein.

As in previous cases, only claims for at least \$15 plus interest will be processed. We have found in the past that the cost of processing claims for less than \$15 outweighs the benefits of restitution. See, e.g., *Uban Oil Co.*, 9 DOE ¶82,541 at 85,225 (1982). See also 10 CFR 205.286(b). The same principle applies here.

If valid claims in either of the two proceedings exceed the funds available in the particular escrow account, all refunds in that proceeding will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

did not pass through the price increases will be eligible for a refund of up to the \$5,000 threshold, without being required to submit evidence of injury beyond documentation of volumes purchased. Firms potentially eligible for greater refunds may choose to limit their claims to \$5,000. See *Vickers*, 8 DOE at 85,396. See also Office of Enforcement, 10 DOE ¶85,029 at 88,125 (1982) (Ada).

¹⁰ The McCleary volumetric factor was calculated by dividing the remaining \$59,780 available for distribution to McCleary's unidentified customers by 3,351,942 gallons, which represents an estimate of McCleary's sales to those unidentified firms during the consent order period. In the Panoco case, the per gallon volumetric factor was computed by dividing the \$8,763.94 available for distribution to unidentified customers by 1,223,951 gallons, Panoco's total sales volume to its retail customers during the consent order period.

VI. Applications for Refund

We will now accept Applications for Refund from individuals and firms that purchased McCleary covered product(s) or Panoco motor gasoline during the period November 1, 1973, through April 30, 1974. Eligible applicants include subsequent repurchasers as well as first purchasers.

There is no specific application form which must be used. In order to receive a refund, each claimant must submit the following information:

(1) A schedule of its monthly purchases of McCleary covered product(s) or Panoco motor gasoline during the consent order period along with any relevant information necessary to support its claim in accordance with the presumptions and findings outlined above. Identified purchasers of either firm may elect to rely instead upon the information in the audit workpapers to support their purchases. If the applicant was an indirect purchaser it must also submit the name of its immediate supplier and indicate why it believes the product was originally sold by McCleary or Panoco;

(2) Whether the applicant has previously received a refund, directly or through price rollbacks, with respect to the alleged overcharges identified in the ERA audit underlying the proceeding in which it is claiming a refund;

(3) Whether there has been a change in ownership of the firm since the consent order period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners indicating that they do not claim a refund;

(4) Whether the applicant is or has been involved as a party in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. See 10 CFR 205.9(d); and

(5) The name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." See 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to the appropriate case number (HEF-0127 for McCleary and HEF-0144 for Panoco) and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by McCleary Oil Company, Inc. pursuant to the Consent Order executed on August 15, 1979, may now be filed.

(2) Applications for Refund from the funds remitted to the Department of Energy by Pacific Northern Oil Company pursuant to the Consent Order executed on September 1, 1981, may now be filed.

(3) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: June 15, 1987.

George B. Breznay,
Director, Office of Hearings and Appeals.

Appendix A—HEF-0127

Name and address	Share of McCleary settlement ¹
Tuscorara School District, P.O. Box 149, Mercersburg, PA 17236	\$158.60
Green Castle Antrim School District, 370 South Ridge Avenue, Green Castle, PA 17225	73.20
Chambersburg School District, 511 South 6th Street, Chambersburg, PA 17201	274.50
Fannet Metal School District, Willow Hill, PA 17271	140.30
Shippensburg School District, North Morris Street, Shippensburg, PA 17257	500.20
Phoenix Clothing (Jordan Clothing), North Lurgan Avenue, Shippensburg, PA 17257	73.20
Total	1,220.00

¹ This figure does not include accrued interest.

Appendix B—HEF-0144

Name and address	Share of Panoco settlement ¹
Maxwell Oil Company*, 701 S. Plum, Olympia, WA 98507	\$5,709.34
Fletcher Oil Company, 1203 East D Street, Tacoma, WA 98421	12,250.62
Jack Pay-less, Inc., 9243 Empire Way, Seattle, WA 98122	1,124.98
Total.....	19,084.94

¹ This figure does not include accrued interest.

² Last known address: firm is no longer in business.

[FR Doc. 87-14210 Filed 6-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of May 18 Through May 22, 1987

During the week of May 18 through May 22, 1987, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a submission that was dismissed by the Office of Hearings and Appeals.

Requests for Exception

Patton Oil Company, 5/21/87; KEE-0121

Patton Oil Company, filed an Application for Exception in which the firm sought relief from its obligation to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering Patton's request, the DOE found that the firm failed to demonstrate that it was particularly adversely affected by the requirement that it file the Form. Accordingly, exception relief was denied.

Sweley Oil, Inc., 5/20/87; KEE-0118

Sweley Oil, Inc. filed an Application for Exception in which the firm sought relief from its obligation to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering Sweley's request, the DOE found that the firm failed to demonstrate that it was particularly adversely affected by the requirement that it file the Form. Accordingly, exception relief was denied.

Tex-Oil, Inc., 5/20/87; KEE-0115

Tex-Oil, Inc. filed an Application for Exception in which the firm sought relief from its obligation to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering Tex-Oil's request, the DOE found that the firm failed to demonstrate that it was particularly adversely affected by the requirement that it file the Form. Accordingly, exception relief was denied.

Requests for Modification and/or Rescission

E. E. Tullios, 5/18/87; KER-0021

The Department of Energy issued a Decision and Order concerning a Motion for Modification filed by E.E. Tullios on March 10, 1987. In that Motion, Tullios requested reconsideration of a December 23, 1986 Decision and Order denying Tullios an exception from the requirement to file Form EIA-782B. Tullios, however, did not provide new information or arguments to demonstrate that it satisfied the criteria set forth in 10 CFR 205.135(b). Tullios' Motion for Modification was therefore denied.

Economic Regulatory Administration, 5/20/87, KRR-0024

On May 1, 1987, the Economic Regulatory Administration (ERA) filed a Motion for Modification of a Decision and Order issued to Pel-Star Energy, Inc., on March 27, 1987. In its Motion, the ERA pointed out that the March 27 Decision erroneously stated that James C. Stevens and John H. Harvison did not file Statements of Objections and related motions. The ERA requested that the Office of Hearings and Appeals (OHA) make clear that its finding of personal liability in the March 27 Decision was not based upon a failure of Stevens and Harvison to file Statements of Objections and related motions, and that the erroneous statement was harmless in nature. After noting that Stevens and Harvison's joint Statement of Objections and related motions merely incorporated by reference filings that had been thoroughly considered and rejected in the March 27 Decision, the OHA concluded that the error in the March 27 Decision was harmless, and that the Motion should be granted.

Refund Applications

Airport Limousine Service, Inc., AAA Delivery System, Inc., Lansdale Yellow Cab Co., Inc., 5/20/87; RF270-1130, RF270-1139, RF270-1169

The Department of Energy (DOE) issued a Decision and Order analyzing three applications for Surface Transporter Refunds. During the Settlement Period, each applicant operated a limousine service using passenger vans. The DOE determined that passenger vans are eligible surface transportation vehicles and approved each company's claim.

Aminoil U.S.A. Inc./Jim Thomas Enterprises, Inc., 5/20/87; RF139-107

The DOE issued a Decision and Order granting a refund from the Aminoil U.S.A., Inc. consent order fund to Jim Thomas Enterprises, Inc., assignee of Enmark Corporation, a Texas-area reseller of Aminoil NGLPs. The DOE determined that the firm's cost banks were more than sufficient to support the refund amount claimed, and based upon the competitive disadvantage methodology, determined that a refund equal to the firm's net excess costs, or \$300,683, represented the best measure of injury in this instance and thus the most equitable refund amount. The total refund granted equaled \$509,892, representing \$300,683 in principal and \$209,209 in accrued interest.

Applegate Drayage Company et al., 5/22/87; RF270-735 et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by 22 companies and will use those gallonages as a basis for the refund that will ultimately be issued to the 22 firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 22 firms' refunds will be determined at a later date.

Batesville Casket Company, Inc., et al., 5/18/87; RF270-2354 et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for Surface Transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by 17 Surface Transporters and will use those gallonages as a basis for the refunds that will ultimately be issued to the 17 firms. The DOE stated that because the size of a Surface Transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 17 firms' refunds will be determined at a later date.

Citizen Auto Stage Co., et al., 5/18/87; RF270-11 et al.

The Department of Energy (DOE) issued a Decision and Order approving 15 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The applicants, all "for hire" trucking and bus companies, applied for refunds based on purchases of diesel fuel, motor gasoline, and lubricating oils between August 19, 1973 and January 27, 1981. The DOE's Decision approved 14 of the company's purchase volumes. However, the DOE found that one company underestimated its diesel fuel purchases. Since there was enough information in the record of the case for the DOE to arrive at a reasonably supported estimate, the DOE adjusted the company's volumes and approved it for a refund based on a larger number of gallons. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Consolidated Cartage & Storage Co., et al., 5/19/87; RF270-2262 et al.

The DOE issued a Decision and Order concerning 10 Applications for Refund from the \$10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption Litigation. Each applicant demonstrated that it operated motor vehicles during the Settlement Period and that it was either a "for hire" carrier or a private fleet operator for the purposes of this proceeding. In addition, each applicant demonstrated that it purchased a certain volume above the

250,000 gallon minimum prescribed in the Order establishing the Surface Transporters Escrow. Accordingly, all 10 Applications were approved, and the respective volumes will be used to calculate each company's final refund. The total number of gallons approved in this Decision is 7,291,029.

Dalco Petroleum, Inc., Farmland Industries, Inc., et al., 5/22/87; RF248-1, et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by purchasers of propane from Dalco Petroleum, Inc. Under the standards established in *Dalco Petroleum, Inc.*, 14 DOE ¶ 85,248 (1986), the DOE granted five of the refund claims in full, and the remaining claim in part. The refunds granted in this proceeding total \$440,209, (\$289,533 principal plus \$150,676 interest). The DOE also terminated the Dalco refund proceeding, making all residual funds in the Dalco settlement fund available for indirect restitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986.

Eastern of New Jersey, Inc./Reheis Chemical Corp., Inc., Greyhound Corp., 5/22/87; RF232-336, RF232-423

An Application for Refund from the Eastern of New Jersey, Inc. (Eastern) consent order fund was filed by Reheis Chemical Corporation, an end-user which had purchased No. 4 residual fuel from Eastern during the consent order period. A refund application with respect to those same purchases was also filed by Greyhound Corporation, the owner of Reheis during that period. After considering the arguments of both parties, the DOE determined that the present owners of Reheis are entitled to the refund since they had obtained the firm, including all unspecified assets and liabilities, through a purchase of stock. The amount of the refund granted to Reheis was \$1,925 (\$1,167 principal plus \$758 interest).

Getty Oil Company/Alfred A. Oliverie, et al., 5/19/87; RF265-450, et al.

The DOE issued a Decision and Order granting 30 Applications for Refunds from the Getty Oil Company deposit escrow fund filed by 24 reseller-retailers of Getty refined petroleum products. Nineteen of the refund applications documented purchases of Getty products for the period August 19, 1973 through December 31, 1978, and were eligible for 100 percent of their volumetric share. The five remaining applicants were each eligible for a refund above \$5,000 based upon the volume of Getty product purchased, but each elected to limit its claim to \$5,000 to avoid making a detailed demonstration of injury. The refunds to these firms total \$123,572, representing \$62,690 in principal and \$60,882 in accrued interest.

Gulf Oil Corporation/Eaton's Tire & Supply, et al., 5/18/87; RF40-2622, et al.

The DOE issued a Decision and Order concerning the Applications for Refund in the Gulf Oil Corporation special refund proceeding which the Evans Group, Inc. (Evans) filed on behalf of three retail stations it owned. Evans received motor gasoline from Gulf on consignment during the period August 19, 1973 through January 31, 1976 (the

consent order period). Evans demonstrated that its consigned sales at two of the stations decreased while the overall motor gasoline consumption in the state where those two stations were located increased during the consent order period. The DOE therefore determined that Evans had shown that it was injured by Gulf's allegedly uncompetitive prices at those two retail stations. However, with respect to its sales at the third station, Evans failed to demonstrate injury. Evans was granted a total refund of \$1,126 (\$909 in principal plus \$217 in interest).

Hadley Auto Transport, et al., 5/18/87; RF270-1761, et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by six trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to the six firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the six firms' refunds will be determined at a later date.

Marathon Petroleum Company/Fitzgerald Service Stations, Inc., Fitzgerald Oil Company, Fitzco Distributing Company, 5/18/87; RF250-2428, RF250-2429, RF250-2430, RF250-2458

The DOE issued a Decision and Order concerning four Applications for Refund filed on behalf of three purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The three firms were related by common ownership, and the DOE determined that they should be considered together for the purposes of the applicable presumptions of injury. The three firms were granted a total refund of \$20,519, representing \$18,735 in principal and \$1,784 in interest, under the 35 percent presumption of injury.

Marathon Petroleum Company/McClure Oil Corporation No. 7, McClure Coal & Oil Company, 5/19/87; RF250-1453 et al.

The DOE issued a Decision and Order concerning 12 Applications for Refund filed on behalf of McClure Oil Corporation No. 7 and McClure Coal & Oil Company, purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The two firms were commonly owned, and the DOE determined that the two firms should be considered together for the purposes of the applicable presumptions of injury. The firms were granted a total refund of \$5,488, representing \$5,000 in principal and \$488 in interest, under the small-claims presumption of injury.

Metro Cab, Inc. et al., 5/20/87; RF270-1338 et al.

The Department of Energy (DOE) issued a Decision and Order approving the volumes of 23 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement

Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Mobil Oil Corporation/A&P Truck Service et al., 5/19/87; RF225-6842 et al.

The DOE issued a Decision granting 50 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling \$29,551 (\$24,195 principal plus \$5,356 interest).

Mobil Oil Corporation/Alhambra Oil Co., et al., 5/22/87; RF225-7257 et al.

The DOE issued a Decision granting 19 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers, resellers, and end-users of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling \$18,497 (\$15,146 principal plus \$3,351 interest).

Mobil Oil Corporation/Bill Tompkins Service et al., 5/19/87; RF225-10106 et al.

The DOE issued a Decision granting 20 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling \$22,913 (\$18,761 principal plus \$4,152 interest).

Northwest Pipeline Corp./Vanguard Petroleum Corp., 5/20/87; RF116-7

Vanguard Petroleum Corporation filed an Application for Refund, seeking a portion of the funds remitted by Northwest Pipeline Corporation pursuant to a consent order that Northwest entered into with the DOE. Vanguard purchased 20,391,321 gallons of propane, butane and natural gasoline from Northwest during the consent order period. The DOE applied the competitive disadvantage test by comparing the prices that Northwest charged Vanguard with average market prices. Based on the price comparison results, the DOE granted Vanguard a refund of \$39,580 which equals the number of gallons that Vanguard purchased at above market prices multiplied by the per gallon refund amount. Vanguard will also receive \$19,685 in interest.

Plateau Inc./V-1 Oil Company, 5/22/87; RF204-12

V-1 Oil Company filed an Application for Refund, seeking a portion of the funds remitted by Plateau, Inc., pursuant to a consent order that Plateau entered into with the Department of Energy. V-1 stated that it purchased 11,982,234 gallons of gasoline from Plateau during the consent order period, and would be eligible for a refund of \$10,256.79. V-1, however, elected to limit its claim to the small claims refund level of \$5,000. The DOE therefore granted V-1 a refund of \$5,000

under the small claims presumption of injury. In addition, V-1 will also receive \$3,224 in accrued interest.

Short Freight Lines, Inc. et al., 5/21/87; RF270-166 et al.

The Department of Energy (DOE) issued a Decision and Order approving Applications for Refund from the Surface Transporter Escrow filed by the American Trucking Associations on behalf of 29 trucking companies. Each of the companies based its Surface Transporter claim on either motor gasoline or diesel fuel that its vehicles consumed during the settlement period. The DOE approved each company's purchase volumes with adjustments in some cases to correct for computational errors. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Standard Oil Company (Indiana)/Kansas, 5/18/87; RM21-65

The DOE issued a Decision approving a Motion for Modification submitted by the State of Kansas. In its Motion, Kansas indicated that after fully implementing the programs approved by the Office of Hearings and Appeals (OHA) in *Standard Oil Co. (Indiana)/Kansas*, 13 DOE ¶ 85,152 (1985), the state had \$25,135 of unspent funds. Kansas therefore requested that the state be permitted to spend the remaining \$25,135 for the Kansas Conservation Bank Program. The OHA determined that Kansas's request be approved because the Kansas Conservation Bank Program will help injured consumers reduce their fuel use and costs.

Union Pacific Railroad Company, Phillips Petroleum Company, 5/20/87; RF271-57, RF271-135

The DOE issued a Decision and Order analyzing Rail & Water Transporter (RWT) Claims filed by two affiliates of refiners. The DOE denied the companies' claims because the RWT Release requires RWT Claimants to waive their claims to all M.D.L. 378 escrow funds except the RWT Escrow. Since both companies' affiliates had received refunds from the Refiners Escrow, the DOE found that the companies could not honor the terms of their RWT Releases and that their Releases were invalid.

Dismissal

The following submission was dismissed.

Name and Case No.

Hanks Happy Acres—RF270-546.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy*

Guidelines, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.
June 16, 1987.

[FR Doc. 87-14211 Filed 6-22-87; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00082; FRL-3220-8]

Biotechnology Science Advisory Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting of the Biotechnology Science Advisory Committee. The meeting will be open to the public. The Committee will discuss definitions which have implications for biotechnology rules.

DATES: The meeting will be held on Friday, July 17, starting at 9 a.m. and ending at approximately 5:00 p.m.

ADDRESS: The meeting will be held at: The Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, The TSCA Assistance Office, Office of Pesticides and Toxic Substances (TS-799), 401 M St. SW., Washington, DC 20460 (202-554-1404).

SUPPLEMENTARY INFORMATION: Attendance by the public will be limited to available space. The TSCA Assistance Office will provide summaries of the meeting at a later date.

Dated: June 15, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87-14223 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59244; FRL-3221-8]

An Isocyanate Terminated Polyurethane Prepolymer Test Market Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing,

purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of an application for exemption, provides a summary, and requests comments on the appropriateness of granting this exemption.

DATE: Written comments by: July 8, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-59245]" and the specific TME number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, RM. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the TME application received by EPA. The complete non-confidential application is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 87-18

Close of Review Period. July 16, 1987.
Manufacturer. Uniroyal Chemical Company.

Chemical. (G) An isocyanate terminated polyurethane prepolymer.

Use/Production. (G) Open use. Prod. range: 0 to 45,000 kg/yr.

Dated: June 15, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-14232 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51680; FRL-3221-6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires

any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of forty-four such PMNs and provides a summary of each

DATES: Close of Review Period:

P 87-1218, 87-1219 and 87-1220 87-1221 87-1222, 87-1223, 87-1224, 87-1225, 87-1226, 87-1227, 87-1228, 87-1229 and 87-1230, September 2, 1987
P 87-1231, 87-1232, 87-1233, 87-1234 and 87-1235, September 5, 1987
P 87-1236, 87-1237, 87-1238, September 6, 1987
P 87-1239, 87-1240, 87-1241, 87-1242, 87-1243, 87-1244, 87-1245 and 87-1246, September 6, 1987
P 87-1247, 87-1248, 87-1249, 87-1250, 87-1251, 87-1252, 87-1253, 87-1254, 87-1255 and 87-1256, September 7, 1987
P 87-1257, 87-1258, 87-1259, 87-1260, 87-1261, September 8, 1987

Written comments by:

P 87-1218, 87-1219, 87-1220, 87-1221, 87-1222, 87-1223, 87-1224, 87-1225, 87-1226, 87-1227, 87-1228, 87-1229 and 87-1230, August 3, 1987
P 87-1231, 87-1232, 87-1233, 87-1234 and 87-1235, August 6, 1987
P 87-1236, 87-1237, 87-1238, 87-1239, 87-1240, 87-1241, 87-1242, 87-1243, 87-1244, 87-1245 and 87-1246, August 7, 1987
P 87-1247, 87-1248, 87-1249, 87-1250, 87-1251, 87-1252, 87-1253, 87-1254, 87-1255 and 87-1256, August 8, 1987
P 87-1257, 87-1258, 87-1259, 87-1260 and 87-1261, August 9, 1987

ADDRESS: Written comments, identified by the document control number "[OPTS-51680]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential

document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-1218

Manufacturer. Monsanto Company.
Chemical. (G) Unsaturated etherified melamine-formaldehyde resin.
Use-Production. (G) Industrial ink additive and paint (coating) additive. Prod. range: Confidential.

P 87-1219

Manufacturer. Reichhold Chemicals, Incorporated.
Chemical. (G) Fumarated hydrocarbon modified rosin ester.
Use-Production. (S) Industrial resin component in production of ink vehicle varnishes. Prod. range: Confidential.

P 87-1220

Importer. Confidential.
Chemical. (G) Organofunctional polysiloxane.
Use/Import. (G) Radiation curing paper release coatings, open, non-dispersive use. Import range: Confidential.

P 87-1221

Importer. Confidential.
Chemical. (G) Polyalkylated polyether polyol.
Use/Import. (G) Antifogging agent. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.

P 87-1222

Importer. Confidential.
Chemical. (G) Condensation product of alkylphenol, resorcinol and aldehyde.
Use/Import. (G) Bonding agent. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Minimal.

P 87-1223

Importer. Confidential.
Chemical. (G) Bis (substituted phenyl)-cycloalkane.
Use/Import. (G) Additive for thermal recording paper. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.

P 87-1224

Importer. Confidential.
Chemical. (G) Polyalkylated polyether polyol.
Use/Import. (G) Antifogging agent. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Minimal.

P 87-1225

Importer. Dainichiseka Color and Chemicals America, Inc.

Chemical. (S) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy, poly[oxy(methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis(4-isocyanate cyclohexane), and 2-butanone oxime.

Use/Import. (S) Emulsifying agent. Import range: 10,000 to 20,000 kg/yr.

P 87-1226

Importer. Mitsubishi International Corporation.

Chemical. (G) Poly(oxy-1,2-ethanediyl), alpha-(1-oxo alkyl C₆₋₁₂)omega-(alkyl C₆₋₁₂ oxy)-.

Use/Import. (S) Lubricant and emulsifier of spinfinish for polyester filament yarn. Import range: 1,000 to 10,000 kg/yr.

Toxicity Data. Acute oral: 4,730 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.

P 87-1227

Importer. Mitsubishi International Corporation.

Chemical. (S) Potassium, alcohols C₁₂₋₁₄ ethoxylated propoxylated phosphate.

Use/Import. (S) Commercial antistatic agent and emulsifier of spinfinish for polyester filament yarn. Import range: 100 to 1,000 kg/yr.

Toxicity Data. Acute oral: 12,284 mg/kg; Irritation: Skin—Mild, Eye—Irritant.

P 87-1228

Importer. Mitsubishi International Corporation.

Chemical. (S) Poly(oxy-1,2-ethanediyl), 9-octadecenoic acid, diamide with N-(2-amino ethyl)-1,2-ethanediamine.

Use/Import. (S) Commercial cohesive agent and emulsifier of spinfinish for polyester filament yarn. Import range: 1,000 to 10,000 kg/yr.

Toxicity Data. Acute oral: >60,000 mg/kg; Skin—Non-irritant, Eye—Non-irritant.

P 87-1229

Importer. Mitsubishi International Corporation.

Chemical. (S) Propanoic acid, 3-(C₁₂₋₁₈ alkylthio)-C₁₂₋₁₈ alkyl ester.

Use/Import. (S) Lubricant of spinfinish for polyester filament. Import range: 1,000 to 10,000 kg/yr.

Toxicity Data. Acute oral: 33,071 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

P 87-1230

Importer. Mitsubishi International Corporation.

Chemical. (S) 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethylester sodium salt; reacted with ethyl, 1,2-dihydroxy.

Use/Import. (S) Modifier of polyester fibers for cationic dyed. Import range: 10,000 to 100,000 kg/yr.

Toxicity Data. Acute oral: 17,278 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

P 87-1231

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (S) Tetraethoxygermane.

Use/Production. (S) Industrial Sol-gel production of optical blanks and bullets. Prod. range: Confidential.

P 87-1232

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (S) Tetraethoxygermane.

Use/Production. (S) Industrial Sol-gel production of optical blanks and bullets. Prod. range: Confidential.

P 87-1233

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (G) Zirconiumchelate solution.

Use/Production. (G) Industrial crosslinking agent. Prod. range: Confidential.

P 87-1234

Manufacturer. Confidential.

Chemical. (G) Methyl complex of substituted aromatic carboxylic acid azo substituted heteromonocyclo-salt.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

P 87-1235

Importer. Aldrich Chemical Company, Incorporated.

Chemical. (S) 4-(Dimethylamino)benzonitrile.

Use/Import. (G) Open, non-dispersive use. Import range: Confidential.

P 87-1236

Manufacturer. Sybron Chemicals, Incorporated.

Chemical. (G) Copolymer of aliphatic esters of 2-propenoic acid with homocyclic and heterocyclic aromatic vinyl compounds.

Use/Production. (G) Aqueous and non-aqueous waste and process liquid purification. Prod. range: Confidential.

Toxicity Data. Acute oral: 5.0 g/kg.

P 87-1237

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (S) 1,2-Dimethylsilazane (1-methylsilazane)copolymer.

Use/Production. (S) Industrial intermediate for ceramics. Prod. range: Confidential.

P 87-1238

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (S) Methylhydrophenylmethyl siloxane copolymer, dimethylsiloxy terminated.

Use/Production. (G) Silicone intermediate and additive for optical applications. Prod. range: Confidential.

P 87-1239

Manufacturer. E.I. du Pont de Nemours & Company, Inc.

Chemical. (G) Alkylmethacrylate-alkylaminomethacrylate copolymer.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >11,000 mg/kg; Irritation: Skin—Moderate, Eye—Moderate; LC₅₀ 96 hr. (Fathead minnows): 81 mg/l.

P 87-1240

Manufacturer. Interchem, Incorporated.

Chemical. (G) Epoxy ester solution.

Use/Production. (S) Industrial air dry coating and heat cured formulated coating used in automotive and industrial primers. Prod. range: Confidential.

P 87-1241

Manufacturer. Confidential.

Chemical. (G) Cyanoacetate ester.

Use/Production. (S) Site-limited intermediate for the production of a cyanoacrylate adhesive. Prod. range: Confidential.

P 87-1242

Manufacturer. Pennwalt Corporation.

Chemical. (G) Aliphatic dimercaptan.

Use/Production. (G) Intermediate in the preparation of a plastic additive. Prod. range: Confidential.

Toxicity Data. Acute oral: 800 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Irritant, Eye—Irritant; Ames test—Negative.

P 87-1243

Manufacturer. National Distillers and Chemical Corporation.

Chemical. (S) Ethanol, 2-phenoxy, formate.

Use/Production. (S) Industrial, commercial and consumer fragrance

ingredient. Prod. range: 5,000 to 50,000 kg/yr.

Toxicity Data. Acute oral: 2.7 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Irritant.

P 87-1244

Manufacturer. National Distillers and Chemical Corporation.

Chemical. (S) 2-Propyl-4-carboethoxy-5-methyl-2,3-dihydrofuran.

Use/Production. (S) Industrial, commercial and consumer fragrance ingredient. Prod. range: 5,000 to 25,000 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

P 87-1245

Manufacturer. Stepan Company.

Chemical. (G) Benzene sulfonic acid, alkyl derivatives, calcium salts.

Use/Production. (S) Industrial lubricant additive. Prod. range: Confidential.

P 87-1246

Importer. Confidential.

Chemical. (G) Acrylic acid, alkyl ester, polymer with polychloroalkene and derivatives of acrylic acid.

Use/Import. (S) Leather finishing. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: skin—Minimal, Eye—Minimal.

P 87-1247

Manufacturer. Sybron Chemicals Incorporated.

Chemical. (G) Copolymer of aliphatic esters of 2-propenoic acid with homocyclic aromatic vinyl compounds, reaction products with aliphatic polyamines.

Use/Production. (G) Aqueous and non-aqueous waste and process water purification. Prod. range: Confidential.

Toxicity Data. Acute dermal: 5 g/kg.

P 87-1248

Manufacturer. Sybron Chemicals, Incorporated.

Chemical. (G) Copolymer of aliphatic esters of 2-propenoic acid with homocyclic aromatic vinyl compounds, reaction products with aliphatic polyamines, quarternized.

Use/Production. (G) Aqueous and non-aqueous waste and process water purification. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg.

P 87-1249

Manufacturer. The Dow Chemical Company.

Chemical. (G) Chlorinated polyethylene.

Use/Production. (G) Extruded or calendered rubber and/or plastic articles. Prod. range: Confidential.

P 87-1250

Manufacturer. The Dow Chemical Company.

Chemical. (G) Chlorinated polyethylene.

Use/Production. (G) Extruded or calendered rubber and/or plastic articles. Prod. range: Confidential.

P 87-1251

Manufacturer. The Dow Chemical Company.

Chemical. (G) Chlorinated polyethylene.

Use/Production. (G) Extruded or calendered rubber and/or plastic articles. Prod. range: Confidential.

P 87-1252

Manufacturer. The Dow Chemical Company.

Chemical. (G) Chlorinated polyethylene.

Use/Production. (G) Extruded or calendered rubber and/or plastic articles. Prod. range: Confidential.

P 87-1253

Manufacturer. E.I. du Pont de Nemours & Company, Inc.

Chemical. (G) Alicyclic ester.

Use/Production. (G) Apparel. Prod. range: Confidential.

P 87-1254

Manufacturer. Confidential.

Chemical. (G) Acrylate-methacrylate polymer.

Use/Production. (G) Film forming resin. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Non-irritant, Eye—Non-irritant.

P 87-1255

Manufacturer. Confidential.

Chemical. (G) Allyl ether modified aliphatic polyester.

Use/Production. (G) Coating having a dispersive industrial use. Prod. range: 40,000 to 250,000 kg/yr.

P 87-1256

Importer. Pacific Anchor Chemical Corporation.

Chemical. (G) Glycol bis (cycloaliphatic acid ester).

Use/Import. (S) Encapsulating and embedding systems for electronic compounds. Import range: Confidential.

P 84-1257

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylic polymer.

Use/Production. (G) Polymer used in the manufacture of industrially used coatings. Prod. range: 40,000 to 71,000 kg/yr.

P 87-1258

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyol polyester.

Use/Production. (G) Commercial formulation with an open use. Prod. range: 15,000 to 50,000 kg/yr.

P 87-1259

Manufacturer. E.I. du Pont de Nemours and Company, Inc.

Chemical. (G) Alkyl phosphate.

Use/Production. (G) Open, non-dispersive, Prod. range: Confidential.

P 87-1260

Manufacturer. Confidential.

Chemical. (G) Carbocyanine dye.

Use/Production. (G) Dye stuff for destructive use. Prod. range: Confidential.

P 87-1261

Manufacturer. Confidential.

Chemical. (G) Discarbocyanine borate dye.

Use/Production. (G) Polymerization promoter for open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizing.

Dated: June 15, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-14230 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59820; FRL-3221-9]

Premanufacture Notice; Alkyd

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN

requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of one such PMN and provides the summary.

DATES: Close of Review Period:

Y 87-164, June 29, 1987

FOR FURTHER INFORMATION CONTACT:

Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the exemption received by EPA. The complete non-confidential documents are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87-164

Manufacturer. C.J. Osborn.

Chemical. (G) Alkyd.

Use/Production. (S) Clear and pigmented finishes. Prod. range: Confidential.

Dated: June 12, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-14233 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59819; FRL-3221-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of

receipt. This notice announces receipt of seven such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 87-157 and 87-158—June 18, 1987.
Y 87-159, 87-160, 87-161, 87-162 and 87-163—June 22, 1987.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett,
Premanufacture Notice Management
Branch, Chemical Control Division (TS-
794), Office of Toxic Substances,
Environmental Protection Agency, Rm.
E-611, 401 M Street SW., Washington,
DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87-157

Manufacturer. Confidential.
Chemical. (G) Alkyd.
Use/Production. (G) Coating. Prod.
range: Confidential.

Y 87-158

Manufacturer. Confidential.
Chemical. (G) Resin modified alkyd.
Use/Production. (G) Binder in
coatings. Prod. range: Confidential.

Y 87-159

Manufacturer. Confidential.
Chemical. (G) Modified oil.
Use/Production. (G) Binder in
coatings. Prod. range: Confidential.

Y 87-160

Manufacturer. Confidential.
Chemical. (G) Modified oil.
Use/Production. (G) Intermediate for
paint resin. Prod. range: Confidential.

Y 87-161

Manufacturer. Confidential.
Chemical. (G) Modified oil.
Use/Production. (G) Binder in
coatings. Prod. range: Confidential.

Y 87-162

Manufacturer. Confidential.
Chemical. (G) Organic ester.
Use/Production. (G) Baking resin.
Prod. range: Confidential.

Y 87-163

Manufacturer. Confidential.
Chemical. (S) 7-oxabicyclo [4.1.0]
heptane-3-carboxylic acid, 7-oxabicyclo
[4.1.0]-hept-3-ylmethylester, tall oil fatty

acids, pamolyn 380 tall oil fatty acids, 2-methyl-2-propenoic acid, methylester, 2-propenoic acid phenylethylene, 1,1-dimethylethyl hydroperoxide, zirconium octoate.

Use/Production. (S) Industrial polymer used as a major component of a protective coating (paint) formulated for use on metal substrates. Prod. range: 562,000 to 1,000,000 kg/yr.

Dated: June 11, 1987.

Denise Devoe,

*Acting Division Director, Information
Management Division.*

[FR Doc. 87-14226 Filed 6-22-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

June 12, 1987.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503 (202) 395-4814.

OMB Number: 3060-0325.

Title: Section 80.605, U.S. Coast Guard Coordination.

Action: Extension.

Respondents: Applicants for non-selectable transponder ship and coast and shore based radionavigation stations.

Frequency of Response: On occasion.

Estimated Annual Burden: 47

Responses; 52 Hours.

Needs and Uses: Section 80.605 requires applicants for non-selectable transponder ship and coast station and shore based radio navigation stations to obtain permission for such operations from the U.S. Coast Guard and to submit support documentation as previously contained in § 81.403 (OMB # 3060-0325). The requirements are necessary to ensure that no hazard to marine navigation will result from the grant of

the subject applications. The potential hazard to navigation is a critical factor in determining whether this type of radio device should be authorized. The information is used by Licensing Division personnel to determine whether an applicant for non-selectable transponder ship and coast or shore based radionavigation stations should be granted. If the collection of this information was not conducted, stations posing a hazard to marine navigation could be licensed inadvertently and/or long delays in the processing of applications could result due to the necessity for coordination between the FCC, the Coast Guard and the applicant.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-14183 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Coffey Broadcasting et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. William Coffey and Nicholas Theodosopoulos d/b/a, Coffey Broadcasting, A Limited Partnership, Troy, OH.	BPH-860121MU.....	87-172
B. John E. Morris and Lawrence R. Baker, Troy, OH.	BPH-860122MO.....	
C. Better News, Inc., Troy, OH.	BPH-860123NM.....	
D. Don H. Barden, Troy, OH.	BPH-860123NN.....	
E. David J. Kittel, Troy, OH...	BPH-860123NK (Dismissed).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

1. Air Hazard, C, D.
2. Comparative, All Applicants.
3. Ultimate, All Applicants.

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room

230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 87-14166 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Franklin Broadcasting et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Charles E. Franklin d/b/a, Franklin Broadcasting, Calhoun City, MS.	BPH-850712UL.....	87-170
B. Ramona J. Miller, Calhoun City, MS.	BPH-850712UM.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding

Applicant	City/State	File No.	MM Docket No.
A. Robert G. Nichols, Jr.	Jackson, Ms	BPCT-861217KI	87-173
B. Frederick Grimm d/b/a, Mountainlake Productions, Ltd.	Jackson, Ms	BPCT-861222KJ	
C. Mississippi College	Jackson, Ms	BPCT-870120LK	
D. Jam Communications, Inc.	Jackson, Ms	BPCT-870121KF	
E. Delta Television Limited	Jackson, Ms	BPCT-870121KG	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Multiple Ownership, C

headings at 51 F.R. 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicant

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 87-14164 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Robert G. Nichols, Jr. et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Air Hazard, A, D
Comparative, A, B, C, D, E
Ultimate, A, B, C, D, E

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW.,

Washington, DC 20037 (Telephone No. (202) 357-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-14184 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Torjaq Radio, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Torjaq Radio, Inc., White Rock, NM.	BPH-851213MD.....	87-171
B. FM White Rock Limited Partnership, White Rock, NM.	BPH-851216MH.....	
C. White Rock Broadcasting Foundation, White Rock, NM.	BPH-851216MI.....	
D. Marcella Bakker, White Rock, NM.	BPH-851216PC.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicants(s)

1. Comparative, All
2. Ultimate, All

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M. Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 87-14165 Filed 6-22-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy Regarding Disclosure by the FDIC of Statutory Enforcement Actions; Withdrawal

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Withdrawal of policy statement.

SUMMARY: The Federal Deposit Insurance Corporation (the "FDIC") is withdrawing its May 6, 1985 Statement of Policy Regarding Disclosure by the FDIC of Statutory Enforcement Actions. The policy provided for the FDIC to publicly disclose in press releases a summary of its final orders resulting from administrative enforcement actions. In place of the policy, the FDIC has developed with the Office of the Comptroller of the Currency ("OCC"), and is proposing, a uniform disclosure approach that would treat insured banks equally, while serving the public need for information on the financial condition of banks.

EFFECTIVE DATE: June 17, 1987.

FOR FURTHER INFORMATION CONTACT: Robert F. Storch or William P. Carley, Planning and Program Development Specialists, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, (202) 898-6903.

SUPPLEMENTARY INFORMATION: On May 6, 1985, the Board of Directors of the FDIC adopted a Statement of Policy Regarding Disclosure by the FDIC of Statutory Enforcement Actions. The policy provided that the FDIC would publish in press releases the names of all banks and persons to whom the FDIC has issued final orders in conjunction with formal administrative enforcement actions. 50 FR 20619 (1985). In addition, brief descriptions of the nature of the enforcement actions taken and summaries of the orders would be incorporated into the press releases for each action disclosed. This policy, which, as a result of several amendments, was to become effective on July 1, 1987, would apply to insurance termination orders, cease-and-desist orders, removal orders, civil money penalty orders, and capital directives. See 51 FR 46719 (1986).

In view of the passage of time since its adoption, the fact that it has never become effective, the public comments criticizing the policy which have been received, and the development of joint disclosure regulations with the OCC, the Board of Directors of the FDIC is withdrawing the Statement of Policy on disclosure of enforcement actions. The policy was subject to substantial

criticism in that the FDIC's approach applied only to state nonmember banks resulting in unequal treatment among insured banks. To develop a uniform approach to disclosure, the FDIC has been working closely with the other bank supervisory agencies. The OCC and the FDIC expect to jointly issue regulations for public comment which, if adopted, provide a uniform method of disclosure that will serve the public need for information on the financial condition of banks. For an FDIC document relating to disclosure see a proposed rule published elsewhere in this issue. In addition, the Federal Reserve Board is proceeding along similar lines to address the disclosure issue for State member banks.

As a consequence, the parallel disclosure policies being developed among the agencies offer a fairer and more reasonable approach than the previous FDIC policy. In accordance with present practice, the FDIC will continue to decide, on a case-by-case basis, whether to publicize a particular administrative action.

By Order of the Board of Directors. Dated at Washington, DC, this 17th day of June, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-14255 Filed 6-22-87; 8:45 am]

BILLING CODE 6714-01-M

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Proposed System of Records: "Prospective Investor System."

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), the Federal Deposit Insurance Corporation ("FDIC") gives notice of the establishment of a new system of records entitled "Prospective Investor System."

DATE: Comments on the establishment of the system must be submitted by July 23, 1987. The system will become effective on September 8, 1987, unless a superseding notice to the contrary is published before that date.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429, or hand-delivered to the same address between 9:00 a.m. and 5:00 p.m., Monday-Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Louis E. Wright, Senior Liquidation Specialist, FDIC, 550 17th Street, NW., Washington, D.C. 20429, telephone (202) 898-7363.

SUPPLEMENTARY INFORMATION: The FDIC is establishing a new system of records, the Prospective Investor System, as part of its efforts to more efficiently sell loans and real estate it holds as a result of bank failures. The system is basically a computerized listing of prospective investors that have been qualified by the FDIC and an identification of the loans or real estate the investor is interested in purchasing. The purpose of the system is to match investors with the specific portfolios for sale.

Information in the system will primarily be furnished by the prospective investor and includes the investor's name and address; information as to the kinds and locations of loans or real estate the investor wants to purchase; and information relating to previous bids submitted by the investor, such as a description of the loans or real estate bid upon, the bid amount and yield, and whether the bid was accepted. A brief comment section may be included. Information in the system will be available to the individual investor.

Accordingly, the Board of Directors proposes the establishment of the following system of records:

FDIC 30-64-0019

SYSTEM NAME:

Prospective Investor System.

SYSTEM LOCATION:

Division of Liquidation, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted written or oral notice of an intent to purchase loans or real estate from the FDIC and who have been qualified by the FDIC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the individual's name, address, and telephone number; information as to the kind or category and location of loans or real estate the individual wants to purchase; and information relating to bids submitted, including portfolio description, amount, yield, and whether accepted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1819, 1821 and 1823.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed:

(1) To other federal or state agencies to assist in the marketing and sale of loans and real estate held by the agency.

(2) To the appropriate Federal, State or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation or order, when the information indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto.

(3) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

(4) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information is maintained in computer discs and tapes or hard copy printouts stored in file cabinets.

RETRIEVABILITY:

Indexed by name of prospective investor; information can also be retrieved by the system identification number assigned the prospective investor.

SAFEGUARDS:

Information in computer discs and tapes is accessed only by authorized personnel; hard copy printouts will be stored in lockable file cabinets or offices.

RETENTION AND DISPOSAL:

Records are generally maintained in computer discs and tapes in an on-line capacity until needed. Certain records are archived in off-line storage. All records, including those in printout form, are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Liquidation, FDIC, 550 17th Street, NW., Washington D.C. 20429.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington D.C. 20429. The request must contain the prospective investor's name and address.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual upon whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Paperwork Reduction Act
Consideration: In accordance with the requirements of the Paperwork Reduction Act of 1980, the FDIC has submitted to the Office of Management and Budget a request for review for the information collection involved in establishing prospective investor records.

By direction of the Board of Directors.

Dated at Washington, DC, this 17th day of June 1987.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-14258 Filed 6-22-87; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION**Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212-010320-015.

Title: Brazil/U.S. Gulf Ports

Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro

Companhia Maritima Nacional
Empresa Lineas Maritimas Argentinas S.A.

A. Bottacchi S.A. de Navegacion C.F.I.I.

Transportacion Martima Mexicana S.A.

Synopsis: The proposed amendment would add American Transport Lines, Inc. (ATL) as a party to the agreement and remove Cylanco S.A. from agreement membership. It would also adjust non-national flag pool shares and sailings to account for Cylanco's departure and provide for a new pool period beginning April 1, 1987 extending through December 1, 1987, which will include revenue carried from that date by ATL.

Agreement No.: 206-011120.

Title: Pacific-Europe Bridge Agreement.

Parties:

North Europe-U.S. Pacific Freight Conference

Pacific Coast European Conference

Synopsis: The proposed amendment would permit the parties to discuss and agree upon (1) rates and conditions of service including service contracts relating to common, i.e. two-way, shippers and to negotiate any such matters with such shippers; (2) rates, rules and practices related to the inland use of containers and terminal services for all types of cargo; (3) space/slot chartering arrangements under their respective Conference agreements; and (4) policing of the same. The agreement would apply to cargo moving between U.S. Pacific Coast ports and inland points via such ports and ports and points in the United Kingdom, Republic of Ireland and Northern Europe.

Dated: June 17, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 87-14213 Filed 6-22-87; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR 510.

Persons knowing of any reason why any of the following persons should not

receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Seacon Express International, Inc., 1111

Watson Center Road, Suite D&E, Carson, CA 90745; Officers: Young Sam Chung, President, Geung Mwan Shin, Sung Young Kim, Secretary

Speed Carrier, Inc., 1730 NW. 96th Avenue, Miami, FL 33172; Officers: Israel Rodriguez, President/Director, Alberto Dominguez, Vice President/Director, Nestor Paz, Director

Drew Freight Forwarding, Inc., 5 Summit Avenue, Hackensack, NJ 07601;

Officer: Frank Vasta, Sole Officer

Scott Shin Ming Ho dba OK Forwarding Company, 2710 N. Brompton, Pearland, TX 77581

Nabil M. Farag, 435 Hawthorn Street, #110, Glendale, CA 91204

Leslie Lopez Roman dba Liz Freight Forwarder, 904 West 11th Street, Upland, CA 91786-3702

G.A.C. International Transport, Inc., 60 Park Place, Suite 1303, Newark, NJ 01702

Myung Ho Ho, 10481 Christopher Street, Cypress, CA 90630

United Aero Marine Services, Inc., 905 Westminster Avenue, Suite 101, Alhambra, CA 91803; Officer: Cheng Huan Yi, President

John Casanas dba AJ International, 156-15 146th Avenue, #208, Jamaica, NY 11434

Aimi Cargo Forwarding, Inc., 8195 NW. 67th Street, Miami, FL 33166; Officer: Mary Angel Garcia, Secretary/Treasurer

International Freight Service Corporation, 55 Shoreline Drive, Ware, MA 01082; Officers: Fred Szlapinski, President/Treasurer/Director, Warren J. Jacks, Jr., Clerk Charles John Goldstein dba Charles J. Goldstein, International Freight Forwarding, 408 So. Spring Street, #812, Los Angeles, CA 90013

Murray International Ltd., 54 Stone Street, New York, NY 10004; Officers: Richard Weinstock, President, Rochelle Weinstock, Vice President, Donald Fellner, Secretary

Joseph C. Polking,
Secretary.

Dated: June 18, 1987.

[FR Doc. 87-14214 Filed 6-22-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies; AB&T, Inc., et al.

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 1987.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02108:

1. *AB&T, Inc. and Atlantic Bank & Trust Company Limited Partnership,*

Boston, Massachusetts; to become bank holding companies by acquiring at least 99 percent of the voting shares of Atlantic Bank & Trust Company, Boston, Massachusetts, a *de novo* bank.

In connection with this application, Applicants also propose to engage in making, acquiring, and servicing loans or other extensions of credit for the Applicant's account and for the account of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Jason Bancshares, Inc.,* Offerle, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Offerle Investment Co., Inc., Offerle, Kansas, and thereby indirectly acquire Farmers State Bank, Offerle, Kansas.

In connection with this application, Applicant also proposes to acquire a general insurance agency as part of the transaction and will engage in general insurance agency activities from an office located in a community with a population of less than 5,000 pursuant to § 225.25(b)(8) of the Board's Regulation Y. These activities will be conducted in an area within a 12 mile radius of Offerle, Kansas.

Board of Governors of the Federal Reserve System, June 17, 1987.

William W. Wiles,
Secretary of the Board.

[FR Doc. 87-14147 Filed 6-22-87; 8:45 am]

BILLING CODE 6210-01-M

Notice of Application To engage de novo in Permissible Nonbanking Activities; Auburn National Bancorporation

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for

inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 1987.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Auburn National Bancorporation*, Auburn, Alabama; to engage *de novo* in providing data processing services to other community banks pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 17, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-14149 Filed 6-22-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Nonbanking Activities; Barclays PLC

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may

express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 15, 1987.

A. Federal Reserve Bank of New York
(William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays PLC*, London, England; Barclays Bank PLC, London, England; and Barclays USA Inc., New York, New York; to engage *de novo* through its subsidiary, Barclays De Zoete Wedd Government Securities, Inc., New York, New York, in (i) underwriting, dealing in, brokering, placing, purchasing and selling and engaging in repurchase transactions with respect to such obligations of the United States Government and its various agencies, general obligations of the various states and other political subdivisions and such other obligations that state member banks may be authorized to underwrite, deal in, broker, place and purchase or sell under 12 U.S.C. 25 and 335, including money market instruments, such as certificates of deposit and bankers acceptances, under the same limitations as would be applicable if the activity were performed by the Applicant's subsidiary member banks, and (ii) providing investment or financial advice solely in connection with underwriting, dealing in, brokering, placing and purchasing or selling such government obligations, general obligations and other obligations.

Board of Governors of the Federal Reserve System, June 17, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-14148 Filed 6-22-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; BayBanks, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 13, 1987.

A. Federal Reserve Bank of Boston
(Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BayBanks, Inc.*, Boston, Massachusetts; to acquire 100 percent of the voting shares of BayBank Connecticut, National Association, Farmington, Connecticut.

2. *Intrex Financial Services, Inc.*, Lawrence, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Lawrence Savings Bank, Lawrence, Massachusetts, which engages in Massachusetts Savings Bank Life Insurance activities.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Gulf Coast Bancorp, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Dickinson State Bank, Dickinson, Texas. Comments on this application must be received by July 16, 1987.

Board of Governors of the Federal Reserve System, June 17, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-14150 Filed 6-22-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Shares of Banks or Bank Holding Companies; Zach McClendon, Jr.

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 8, 1987.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Zach McClendon, Jr.*, Monticello, Arkansas; to acquire an additional 23.2 percent of the voting shares of First Union Financial Corporation, Monticello, Arkansas, and thereby indirectly acquire Union Bank and Trust Company, Monticello, Arkansas.

Board of Governors of the Federal Reserve System, June 17, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-14151 Filed 6-22-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87F-0038]

Pilot Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice to future filing of a petition (FAP 5B3868) proposing that the food additive regulations be amended to provide for

the safe use of trisodium sulfosuccinate as an adjuvant in sodium dodecylbenzene sulfonate.

FOR FURTHER INFORMATION CONTACT:

Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 17, 1987 (52 FR 8367), FDA published a notice that it had filed a petition (FAP 5B3868) from the Pilot Chemical Co., 11756 Burke St., Santa Fe Springs, CA 90670, that proposed to amend § 173.315 *Chemicals used in washing or to assist in the lye peeling of fruits and vegetables* (21 CFR 173.315) of the food additive regulations to provide for the safe use of trisodium sulfosuccinate at levels not to exceed 4 percent as an adjuvant in sodium dodecylbenzene sulfonate. Notice is given that the Pilot Chemical Co. has now withdrawn the petition without prejudice to future filing in accordance with § 1717.7(b) (21 CFR 171.7(b)).

Dated: June 12, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-14160 Filed 6-22-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0179]

Procter & Gamble Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Procter & Gamble Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sucrose esterified with medium and long chain fatty acids as a replacement for fats and oils in food.

FOR FURTHER INFORMATION CONTACT:

John W. Gordon, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A3997) has been filed by the Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224-1703, proposing the issuance of a food additive regulation providing for the safe use of sucrose esterified with medium and long chain fatty acids as a replacement for fats and oils in food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: June 12, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-14159 Filed 6-22-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86P-0372]

Canned Pacific Salmon Deviating From Identity Standard; Amendment of Temporary Marketing Permit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit to market test canned skinless and boneless chunk salmon packed in water is being amended to increase the quantity of test product to be distributed and the area of distribution. This amendment will provide the permit holder with a broader base for the collection of data on consumer acceptance of the test product.

FOR FURTHER INFORMATION CONTACT:

Karen L. Carson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0110.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Icicle Seafoods, Inc., Seattle, WA 98199, to market test canned skinless and boneless chunk salmon packed in water to test consumer acceptance of the new style pack. The permit was issued to facilitate market testing of foods that deviate from the requirements of the standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Icicle Seafoods, Inc., was published in the Federal Register of September 24, 1986 (51 FR 33925).

Icicle Seafoods, Inc., is requesting that the permit be amended to (1) increase the quantity of test product to 24,000 cases containing twenty-four 6½-ounce cans each and (2) expand the area of distribution to include Alaska and

Hawaii. The company states that these changes are necessary in order to collect adequate data to complete the market test. Accordingly, FDA, under the provisions of 21 CFR 130.17(f) is amending the temporary permit to increase the quantity of test product to 24,000 cases and to include Alaska and Hawaii in the test market area.

Therefore, FDA is amending the permit to change the quantity of product to be market tested and the area of distribution. All other conditions and terms of this permit remain the same.

Dated: June 4, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-14161 Filed 6-22-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84G-0257]

Enzyme Technical Association; Amended Notice of Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Enzyme Technical Association (formerly the Ad Hoc Enzyme Technical Committee) has submitted an amendment to its petition (GRASP 3G0016) proposing affirmation that the enzyme protease from *Aspergillus niger* is generally recognized as safe (GRAS) for use in food.

DATE: Comments by August 24, 1987.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 12, 1973 (38 FR 9256), June 12, 1973 (38 FR 15471), and August 29, 1984 (49 FR 34305), FDA announced that the Ad Hoc Enzyme Technical Committee (now Enzyme Technical Association) has submitted or amended its petition (GRASP 3G0016) proposing affirmation that the following animal, plant, and microbially-derived enzyme preparations are generally recognized as safe (GRAS) for use in food:

1. Animal-derived enzyme preparations: Catalase (bovine liver);

lipase; pepsin; rennet; rennet, bovine; trypsin; and pancreatin.

2. Plant-derived enzyme preparations: Bromelain; malt; papain; and ficin.

3. Microbially-derived enzyme preparations: *A. niger*, var.-lipase; *A. niger*, var.-catalase; *A. niger*, var.-carbohydrase; *A. niger*, var.-glucose oxidase; *Bacillus subtilis*, var.-carbohydrase and protease mixtures; *Rhizopus oryzae*-carbohydrase; *Sacchromyces* species-carbohydrase; and *A. oryzae*-carbohydrase, lipase, and protease.

Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in §170.35 (21 CFR 170.35), notice is given that the Enzyme Technical Association has submitted an amendment to its petition (GRASP 3G0016) proposing affirmation that the enzyme protease from *A. niger* is GRAS for use in food.

FDA is also noting that the petitioner asserts that pectinase enzyme preparation from *A. niger* and lactase enzyme preparation from *A. niger* are included under carbohydrase enzyme preparation from *A. niger*, and invertase enzyme preparation from *S. cerevisiae* and lactase enzyme preparation from *Kluyveromyces marxianus* are both included under carbohydrase enzyme preparation from *Sacchromyces* species. Therefore, pectinase enzyme preparation from *A. niger*, lactase enzyme preparation from *A. niger*, invertase enzyme preparation from *S. cerevisiae*, and lactase enzyme preparation from *K. marxianus* are to be considered part of the petition.

The information concerning this amendment has been placed on display at the Dockets Management Branch (address above). Any petition that meets the format requirements outlined in §170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before August 24, 1987, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition (or a portion thereof) and received comments may be seen in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 12, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-14158 Filed 6-22-87; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Cooperative Agreement for Institute of Medicine Collaboration in Development of National Health Promotion and Disease Prevention Objectives for the Year 2000; Availability of Funds for Fiscal Year 1987

Introduction

The Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health, announces the availability of funds in Fiscal Year 1987 to initiate a cooperative agreement with the Institute of Medicine (National Academy of Sciences) for the purpose of working in a private-public collaboration with the Public Health Service in developing national health promotion and disease prevention objectives for the year 2000. Under this cooperative agreement, the Institute of Medicine proposes (1) to organize and convene a consortium of national professional and voluntary organizations to obtain their input and continuing guidance on the process and substance of the objectives; (2) to convene regional hearings as forums for regional, State and local officials, health care providers, consumers, associations and special populations to address approaches and priorities for the year 2000 objectives; (3) to analyze and synthesize the input received from national organizations and regional hearings and produce a report on those findings; and (4) to organize and sponsor a national conference to launch the Year 2000 Health Objectives for the Nation.

Authority

This cooperative agreement is authorized under section 1701(10)(b) of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance Number is 13.628.

Background

The release of *Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention* in 1979 marked the beginning of a new era for national efforts to improve the health of the American public. *Healthy People* identified the gains possible by

refocusing the Nation's health programs on prevention and established broad goals for improving health status in each major stage in the human life span. The following year, *Promoting Health/Preventing Disease: Objectives for the Nation* detailed specific objectives for the year 1990 for attaining those goals in each of 15 priority areas. Since that time, the Department of Health and Human Services, in collaboration with State and Local health officials, private sector organizations and individuals, has been implementing the 1990 health objectives and measuring progress towards their attainment. This work was recently reviewed in *The 1990 Objectives for the Nation: A Midcourse Review* published in 1986. Even as work continues to accomplish the 1990 objectives, efforts must begin to develop objectives for the year 2000.

In developing the process for revising the national objectives, the intent is to foster a "bottom-up" development and a sense of ownership by the local and State agencies and private sector organizations and individuals crucial to the full implementation of new objectives. For this reason, development of the objectives will be designed to permit public and private sectors to participate in developing specific and quantifiable objectives.

The Institute of Medicine (ICM) was chartered in 1970 as part of the National Academy of Sciences, a congressionally chartered private, nonprofit institution established in 1863 for the purpose of advancing science and applying scientific knowledge to the improvement of the general welfare.

The ICM is able to elicit the involvement of scientists, academicians, and recognized experts in a field to examine policy matters pertaining to the advancement of health sciences, manpower training, and the health of the public.

Executive Order 12372

This cooperative agreement is not covered under the requirements of Executive Order 12372.

Availability of Funds

Approximately \$419,800 will be available in Fiscal Year 1987 to fund this cooperative agreement. It is expected that the cooperative agreement will begin on or about June 1, 1987, and, depending upon the availability of funds, will be funded in 12-month budget periods within a 40-month project period. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The

funding may vary year-to-year and is subject to change.

Information

Information may be obtained from James A. Harrell, Deputy Director, Office of Disease Prevention and Health Promotion, 330 C St., SW., Room 2132, Washington, DC 20201, telephone (202) 245-7611.

J. Michael McGinnis,

Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion), Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 87-14234 Filed 6-22-87; 8:45 am]

BILLING CODE 4160-17-M

National Toxicology Program; Board of Scientific Counselors Meeting

Pursuant to Pub. L. 92-463, notice is given of a meeting on July 14, 1987, of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, 111 Alexander Drive, Research Triangle Park, North Carolina.

The meeting will begin at 9:00 a.m. and is open to the public. The primary agenda topic is to peer review draft technical reports of long-term toxicology and carcinogenesis studies from the National Toxicology Program. Review will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad Hoc* Panel of Experts.

Draft technical reports of studies on the following chemicals (listed in alphabetical order with Chemical Abstracts service registry numbers, routes of administration and NTP staff scientists) are tentatively scheduled to be peer reviewed on July 14. All studies were done using Fisher 344 rats and B6C3F₁ mice. The order of presentation will be made available at a later date.

Chemical (CAS registry No.)	Routes of administration	Staff scientist (telephone No.)
2-Amino-4-Nitrophenol (99-57-0).	Gavage	Dr. R.D. Irwin (919-541-3340).
C.I. Acid Orange 3 (6373-74-8).	Gavage	Dr. J.H. Mennear (919-541-4178).
Dichlorvos (82-73-7)	Gavage	Dr. P. Chan (919-541-7561).
Erythromycin Stearate (643-22-1).	Feed	Dr. J.E. French (919-541-7790).
Nitrofurantoin (67-20-9).	Feed	Dr. J.E. French (919-541-7790).
Nitrofurazone (59-87-0).	Feed	Dr. F. Kari (919-541-2926).
Penicillin VK (132-98-9).	Gavage	Dr. J.K. Dunnick (919-541-4811).

Persons wanting to make a presentation regarding a Technical

Report during the public comment periods should notify the Executive Secretary and provide a written copy preferably in advance but no later than the beginning of the meeting so copies can be made and distributed to all attendees.

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919-541-3971), FTS (629-3971), will furnish final agenda, a roster of subcommittee and panel members, and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: June 10, 1987.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 87-14202 Filed 6-22-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Cancellation of Notices of Intent To Prepare Environmental Impact Statements for the Sierra Blanca Ski Expansion Area, New Mexico et al.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Cancellation of notices of intent.

SUMMARY: In recent years, the Bureau of Indian Affairs has published Notices of Intent to prepare Environmental Impact Statements. The projects are listed below with their Federal Register citations and the dates they were published:

Projects	Date	Citation
Sierra Blanca Ski Expansion, NM	July 16, 1981	46 FR 36945
Nutria Coal Mine, NM	March 31, 1982 ..	47 FR 13590
Port Gamble Sanitary Landfill, WA	July 19, 1982	47 FR 31326

Those Notices of Intent are hereby cancelled because the projects have been cancelled.

FOR FURTHER INFORMATION CONTACT: Mr. George R. Farris, Chief, Environmental Services Staff, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington DC 20245, Telephone (202) 343-6574 or FTS 343-6574.

Dated: June 10, 1987.

Ralph R. Reeser,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 87-14198 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[ES-030-07-4212-14; ES-00157-011;
Competitive Sale ES-36282]

Realty Action: Sale of Public Land in the Town of Wyalusing, Grant County, WI; Modified

SUMMARY: The following public land has been examined and determined to be suitable for sale under section 203(a)(1) of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value shown below. The sale also includes conveyance of the mineral estate under the authority of section 209(b)(1)(l) of FLPMA.

Fourth Principle Meridian, Wisconsin

T. 6 N., R. 6 W.,

Section 26, SW ¼, NE ¼.

Containing approximately 40.00 acres.

Appraised Fair Market Value: \$7,500.

Date of Sale: September 2, 1987 at 3:00 pm

Place of Sale: Milwaukee District Office, Bureau of Land Management, P.O. Box 0631, Milwaukee, Wisconsin 53201-0631.

Minimum Bid and Requirements: The minimum bid is the appraised fair market value of \$7,500. Potential purchasers are required to submit 20 percent of their bid as down payment. An additional \$50.00 nonrefundable filing fee for the mineral estate *MUST* accompany the bid deposit. The bid and deposit must be enclosed in a sealed envelope clearly marked "Public Sale ES-36282" on the left hand side of the envelope. The successful high bidder will be allowed 180 days to submit the remainder of the bid price. If the remainder of the bid price has not been received from the successful bidder within the specified time period, the bid deposit will be forfeited. If for any reason the land remains unsold after the specified sale date, the land will remain available for sale over the counter until sold.

Example: If your bid is \$7,500 you must submit 20 percent (\$1,500) plus \$50.00 for a total of \$1,550.00. If your bid is \$8,500 you must submit 20 percent (\$1,700) plus \$50.00 for a total of \$1,750.00.

Bidder Qualifications: Purchasers must be citizens of the United States 18 years of age or over; a corporation; State; State instrumentality or political

subdivision; or other legal entity, subject to the laws of any State or the United States.

The lands are being offered for sale subject to a preference consideration to allow Mr. A.L. Augelli and Kenneth Jackson, joint landowner in interests, to meet the high bid. The sale will be conducted by modified competitive bidding procedures (sealed bid envelope). An apparent high bidder will be declared. The apparent high bidder and the designated bidder (Augelli and Jackson) will be notified.

Publication of this notice will segregate the land from all appropriation, including the mining laws, for 270 days, or until issuance of patent, whichever occurs first. For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Milwaukee, Wisconsin.

FOR FURTHER INFORMATION: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203; or by calling Paulette Francis at (414) 291-4415.

Bert Rodgers,

District Manager.

[FR. Doc. 87-14201 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-GJ-M

Fish and Wildlife Service

Issuance of Permit for Marine Mammals; Cousteau Society

On May 11, 1987, a notice was published in the *Federal Register* (Vol. 52, FR No. 90, 52 FR 17643) that an application has been filed with the Fish and Wildlife Service by The Cousteau Society, Inc. (PRT-716284) for a permit to photograph walrus, sea otters, and polar bears in their natural habitats, within the state of Alaska, for purposes of filming a television documentary.

Notice is hereby given that on June 11, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1972 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 611, 1000 North Glebe Road, Arlington, Virginia 22201.

Dated: June 18, 1987.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87-14259 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 13, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 8, 1987.

Carol D. Shull,

Chief of Registration, National Register.

ALASKA

Upper Yukon Division

Eagle vicinity, *Biederman, Ed, Fish Camp (Yukon River Lifeways TR)*, Left bank of Yukon, ½ mi downriver across from Kandik River

Eagle vicinity, *McGregor, George, Cabin (Yukon River Lifeways TR)*, Left bank of Yukon, 2 mi downriver from Coal Creek

Eagle vicinity, *Slaven, Frank, Roadhouse (Yukon River Lifeways TR)*, Left bank of Yukon, ¼ mi from mouth of Coal Creek

Eagle vicinity, *Taylor, James, Cabins (Yukon River Lifeways TR)*, Right bank of the Yukon opposite Fourth of July Creek

Eagle vicinity, *Woodchopper Roadhouse (Yukon River Lifeways TR)*, Left bank of Yukon, 1 mi upriver of Woodchopper Creek

ARIZONA

Coconino County

Big Springs vicinity, *Brow Monument*, Kaibab National Forest, N. Kaibab Ranger District
Jacob Lake vicinity, *Jacob Lake Ranger Station*, Kaibab National Forest, North Kaibab Ranger District off AZ 67

ARKANSAS

Hempstead County

Hope, *Greening, E. S., House*, 707 E. Division St.

Yell County

Dardanelle, *First Presbyterian Church*, Second and Quay Sts.

CALIFORNIA

Los Angeles County

Los Angeles, *Garbutt House*, 1809 Apex Ave.

Napa County

Napa, *Eshcol Winery*, 1160 Oak Knoll Ave.

Santa Barbara County

Santa Barbara, *Janssens-Orella-Birk Building*, 1029-1031 State St.

Sonoma County

Graton, *Hicks House*, 3160 Hicks Rd.

COLORADO**Larimer County**

Estes Park vicinity, *Fall River Road (Rocky Mountain National Park MRA)*, Fall River Rd.

GEORGIA**Elbert County**

Elberton, *Dove Creek Baptist Church*, GA 72

Worth County

Sylvester, *Sylvester Commercial Historic District*, Bounded by E. Kelly, N. Main, E. Front, and N. Isabella Sts.

IDAHO**Valley County**

Yellow Pine vicinity, *Stibnite Historic District*, US Forest Rd. 412

MAINE**Piscataquis County**

Brockway Site (ME 90-3)

MARYLAND**Harford County**

Joppa, *Olney*, 1001 Old Joppa Rd.

MICHIGAN**Washtenaw County**

Ann Arbor, *Nickels Arcade*, 326-330 S. State St.

NEBRASKA**Douglas County**

Omaha, *Old People's Home*, 3325 Fontenelle Blvd.
Omaha, *Prague Hotel*, 1402 S. Thirteenth St.

NORTH CAROLINA**Anson County**

Wadesboro, *US Post Office*, 105-111 Martin St.

Nash County

Nashville, *Nashville Historic District*, Roughly 100-400 W. Washington and 100-300 E. Washington Sts.

New Hanover County

Wrightsville Beach, *Badley-Latimer Summer House*, S side SR 1411 E of jct. with US 76

OHIO**Cuyahoga County**

Cleveland, *East Fourth Street Historic District*, Roughly on E. Fourth St. between Euclid and Prospect Aves.

Franklin County

Columbus, *Old Beechwood Historic District*,

Roughly bounded by W. Jeffrey Pl., N. High, River Park Dr., and Olentangy Blvd.

Stark County

Canton, *Bender's Restaurant—Belmont Buffet (Architecture of Tilden in Canton: 1885-1905 TR)*, 137 Court Ave., SW

Canton, *Case Mansion (Architecture of Guy Tilden in Canton: 1885-1905 TR)*, 1717 N. Market Ave.

Canton, *Fife, Harry E., House (Architecture of Guy Tilden in Canton: 1885-1905 TR)*, 606 McKinley Ave., SW

Canton, *Harvard Company-Weber Dental Manufacturing Company (Architecture of Guy Tilden in Canton: 1885-1905 TR)*, 2206 Thirteenth St., NE

Canton, *Hotel Courtland (Architecture of Guy Tilden in Canton: 1885-1905 TR)*, 209 W. Tuscarawas Ave.

TENNESSEE**Franklin County**

Huntland vicinity, *Falls Mills Historic District*, Old Salem-Lexie and Falls Mill Rds.

Gibson County

Milan, *US Post Office*, 382 S. Main St.

UTAH**Salt Lake**

Sandy, *Kuhre, William D., House*, 8586 S. One Hundred and Fiftieth East

Sanpete County

Manti, *Ottesen, Hans, House (Scandinavian-American Pair-houses TR)*, 202 S. 200 West

Utah County

Pleasant Grove, *Larsen, Christen, House (Scandinavian-American Pair-houses TR)*, 990 N. 400 East

WASHINGTON**Pierce County**

Alderton, *Alderton School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, 9512 Orting Hwy. E.

Anderson Island, *Anderson Island School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, Eckenstam-Johnson Rd.

Enumclaw, *Suntop Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, White River Ranger District on Suntop Mountain, 15 mi NE of Mt. Rainier

Fox Island, *Fox Island School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, Gway Dr. and Ninth St.

Gig Harbor, *Arletta School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, Jct. Ninety-sixth Ave. and Thirty-sixth St., NW

Gig Harbor, *Midway School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, 5115 Thirty-eighth Ave., NW

Gig Harbor, *Wollochet—Point Fosdick School (Rural Public Schools in Washington From Early Settlement to 1945*

MRA), 3409 E. Bay Dr., NW

Lakebay Longbranch School Gymnasium (Rural Public Schools in Washington From Early Settlement to 1945 MRA), Gig Harbor-Longbranch Rd.

McMillin, *McMillin School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, WA 162

Tacoma, *Custer School (Rural Public Schools in Washington From Early Settlement to 1945 MRA)*, 7700 Steilacoom Blvd., SW

Skagit County

Marblemount, *Hidden Lake Peak Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Mt. Baker Ranger District, Southernmost peak of Hidden Lake Peaks near North Cascades National Park boundary
Sedro Wooley, *Park Butte Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Mt. Baker Ranger District, SW of the Easton Glacier of Mt. Baker

Snohomish County

Darrington, *Miners Ridge Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Darrington Ranger District in Glacier Peak Wilderness area 5 mi W of Pacific Crest trail

Darrington, *Three Fingers Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Darrington Ranger District on the southernmost peak

Skykomish, *Evergreen Mountain Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Skykomish Ranger District on SW ridgecrest of Evergreen Mountain

Whatcom County

Sedro Wooley, *Winchester Mountain Lookout (USDA Forest Service Fire Lookouts on Mt. Baker—Snoqualmie National Forest TR)*, Mt. Baker Ranger District in Mt. Baker Wilderness Area overlooking the N fork of Nooksack River and W fork of Silesia Creek

WEST VIRGINIA**Jefferson County**

Shepherdstown, *New Mecklenburg—Shepherdstown Historic District (Boundary Increase)*, Jct. of High and German Sts. E to Ray St., & High St. and the Potomac River S. to Fairmont Ave.

Randolph County

Harmon vicinity, *Day-Vandevander Mill*, WV 32

Tyler County

Tyler, *Wells, William, House*, WV 18

[FR Doc. 87-14146 Filed 6-22-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approval of Rail Cost Adjustment Factor and Decision.

SUMMARY: The Commission has decided to approve the cost index and RCAF for the third quarter of 1987 filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. Application of the index, as adjusted for first quarter 1987 forecast error, provides for a third quarter 1987 RCAF of 1.087. Since there is a bank of credits sufficient to offset any increase in maximum RCAF rate levels, maximum adjusted base rates may not exceed the current ceiling of 1.057. No rate actions are ordered.

EFFECTIVE DATE: July 1, 1987.

FOR FURTHER INFORMATION CONTACT:

William T. Bono, (202) 275-7354

or

Robert C. Hasek, (202) 275-0938.

SUPPLEMENTARY INFORMATION: By decision served January 2, 1985 (50 FR 87, January 2, 1985) we outlined the procedures for the calculation of the all inclusive index of railroad input prices and the methodology for the computation of the RCAF. These procedures replaced an interim methodology which was formerly used. AAR is required to calculate the forecasted index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter.

We have reviewed AAR's calculations of the index for the third quarter of 1987 and find that these calculations comply with the rules.

In our decision served December 27, 1985, we restated a lump sum payment to certain members of the United Transportation Union by amortizing it over the life of the present union contract with interest calculated using the three-month Treasury Bill rate. We instructed AAR to continue this calculation by amortizing the principal balance over the remaining quarters using a three-month Treasury Bill interest rate available seven days prior to the submission date of the quarterly index. A new contract with the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers and an arbitration award affecting the Yardmasters Department of the United Transportation Union have become

effective during the second quarter of 1987. Both the contract and the arbitration award provide for lump sum payments. We have verified the calculations for these and other lump sum payments and find that they comply with our instructions.

We find the RCAF for the third quarter of 1987 to be 1.087. This figure was calculated by adjusting the preliminary third quarter 1987 RCAF for the first quarter 1987 forecast error. Since there is a bank of credits sufficient to offset any increase in maximum RCAF rate levels, adjusted base rates may not exceed the current ceiling of 1.057. No rate actions are ordered.

The indices and RCAF derived from AAR's third quarter 1987 calculations are shown in Table A of the Appendix to this decision. The adjustment for first quarter 1987 forecast error is also shown in Table A. Table B shows the first quarter 1987 index and RCAF calculated on both an actual basis and a forecasted basis for comparative purposes. Table C shows our calculation of the bank of credits (including the application of an opportunity cost adjustment) used to offset increases in the RCAF.

Since the published third quarter 1987 RCAF of 1.087 is higher than the current maximum RCAF rate level of 1.057, the bank of credits will again be reduced slightly. If the published quarterly RCAF level remains above 1.057 in future quarters further reductions in the bank will occur. We will continue to calculate the size of the bank of credits and include that information in each quarterly decision as long as there are any remaining credits.

Finally, we note that certain shipper parties have filed petitions for release of

data which underlies the RCAF and AAR has replied to those petitions. That matter is too complex to be handled in the limited amount of time available to process a quarterly RCAF decision. Those petitions are being considered and we expect to issue a decision shortly.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: June 16, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley concurred in part and dissented in part with a separate expression.

Noreta R. McGee,

Secretary.

Vice Chairman Lamboley, concurring in part and dissenting in part:

I continue to believe we can not ignore the productivity factor when computing these quarterly calculations. When input price indices are used for regulatory purposes, they should be adjusted to incorporate changes in productivity.

We can no longer justify our inaction in this area on the basis of the Ex Parte No. 290 (Sub-No. 4) proceeding. That case has been pending for over 2 years.

Appendix

TABLE A.—EX PARTE NO. 290 (SUB-NO. 2)

All Inclusive Index of Railroad Input Costs

Line No.	Index component	1985 weights, percent	Second quarter 1987 forecast	Third quarter 1987 forecast
1.....	Labor	48.6	163.7	164.2
2.....	Fuel	9.7	51.6	60.2
3.....	Materials and Supplies	7.6	98.2	98.6
4.....	Equipment Rents	9.0	139.6	140.2
5.....	Depreciation	8.7	116.5	115.4
6.....	Other Items ¹	16.4	122.3	123.4
7.....	Weighted Average	100.0	134.8	136.0
8.....	Linked Index ²		129.2	130.4
9.....	Preliminary Rail Cost Adjustment Factor ³ (10/1/82=100) 120.9.		1.069	1.079
10.....	Adjustment for Forecast Error ⁴		(.001)	.008
11.....	RCAF (Line 9 plus Line 10)		1.068	1.087

¹ Other items are a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes and Loss and Damage, all of which are measured by the Producer Price Index for Industrial Commodities, Less Fuel and Related Products and Power.

² Linking is necessitated by a change to 1985 weights beginning with the fourth quarter 1986. The following formula was used for the third quarter 1987 index:

$$\frac{\text{3rd Quarter 1987 Index (1985 Weights)}}{\text{2nd Quarter 1987 Index (1985 Weights)}} \times \text{2nd Quarter 1987 Index (Linked Index)} = \text{Linked Index (1980 Weights to 1985 Weights)}$$

or:

$$\frac{136.0}{134.8} \times 129.2 = 130.4$$

³ The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

⁴ First quarter 1987 forecast error adjustment is calculated as follows:

1. First quarter 1987 RCAF calculated using forecasted data	1.071
2. First quarter 1987 RCAF calculated using actual data	1.079
3. Difference (Line 2 minus Line 1). Since the actual first quarter 1987 RCAF was higher than the forecast, the difference will be added to the third quarter 1987 preliminary RCAF .....	.008

TABLE B.—EX PARTE NO. 290 (SUB-NO. 2)

Comparison of First Quarter 1987 Index Calculated on Both a Forecasted and an Actual Basis

Line No.	Index component	1985 weights, percent	First quarter 1987 forecast	First quarter 1987 actual
1.....	Labor	48.6	163.3	163.3
2.....	Fuel	9.7	49.2	58.3
3.....	Materials and Supplies	7.6	102.9	102.9
4.....	Equipment Rents	9.0	145.1	145.9
5.....	Depreciation	8.7	117.0	116.0
6.....	Other Items	16.4	121.3	122.3
7.....	Weighted Average	100.0	135.1	136.1
8.....	Linked Index		129.5	130.4
9.....	Rail Cost Adjustment Factor		1.071	1.079

¹ For comparative purposes only, an RCAF for the first quarter 1987 has been calculated using actual data. The published RCAF for the first quarter 1987 was computed using forecasted data.

TABLE C.—EX PARTE NO. 290 (SUB-NO. 2)

Calculation of RCAF Credits and Application of Opportunity Cost Adjustment

1. Bank of RCAF credits 3-31-86 .....	.096
2. Maximum RCAF rate level, second quarter 1987	1.057
3. Published RCAF second quarter 1987	1.068
4. Reduction () or addition to bank of credits for second quarter 1987 (Line 2 minus Line 3)	(.011)
5. Bank of RCAF credits 6-30-87 (Line 1 plus Line 4) .....	.085
6. Second quarter allowance for opportunity cost (Three-month Treasury Bill rate for sale of 5-26-87 (5.7 percent) divided by 4)	1.425%
7. Bank of RCAF credits 6-30-87 adjusted for opportunity cost (Line 5 × (1.0 + Line 6)) .....	.086

[FR Doc. 87-14266 Filed 6-22-87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-289 (Sub-No. 1X)]

Central Railroad Company of Indianapolis, Inc., Abandonment at Indianapolis, IN; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152

Subpart F—*Exempt Abandonments* to abandon its 0.5 miles of rail line in Indianapolis, IN, near Union Station, known as the Rolling Mill Industrial Track.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal compliant filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complianant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective 30 days from service of this decision (unless stayed pending reconsidering). Petition to stay must be filed by July 6, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by July 16, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Thomas P. Ewbank, President, Central Railroad Company of Indianapolis, Inc., P.O. Box 5031, Indianapolis, IN 46255.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

At the request of applicant, the Commission has waived the environmental reporting and documentation requirements, as set forth at 49 CFR 1105.7, that would otherwise be applicable in this proceeding.

Decided: June 19, 1987.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-14385 Filed 6-22-87; 10:38 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Application for Registration as
Manufacturer of Controlled
Substances

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 27, 1987, Syncates Associates, Inc., 9307-M Harmin, Huston, Texas 77036, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Pentobarbital (2270).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register

Representative (Room 1112), and must be filed no later than July 23, 1987.

Dated: June 12, 1987.

Gene R. Haislip,
Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.

[FR Doc. 87-14207 Filed 6-22-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training
AdministrationInvestigations Regarding
Certifications of Eligibility To Apply for
Worker Adjustment Assistance; AEI et
al.

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for

adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 15th day of June 1987.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

APPENDIX

Petitioner (Union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
AEI (Audio Environment Inc. (workers).....	Seattle, WA.....	6/15/87	6/1/87	19,800	Cassettes.
Armor Cote Corp. (workers).....	Odessa, TX.....	6/15/87	6/5/87	19,801	Pipe Coating.
AT&T Network Systems (I.B.E.W.).....	Allentown, PA.....	6/15/87	6/3/87	19,802	Computers.
Chieftain International Inc. (workers).....	Denver, CO.....	6/15/87	5/29/87	19,803	Oil & Gas.
Desma, Inc. (workers).....	Winchester, MA.....	6/15/87	6/5/87	19,804	Footwear Molds.
EIS Brake Parts (workers).....	Berlin, CT.....	6/15/87	6/4/87	19,805	Brake Parts.
Edison Battery Products (workers).....	Bloomfield, NJ.....	6/15/87	6/8/87	19,806	Batteries.
Forest Oil Corp. (workers).....	Denver, CO.....	6/15/87	6/5/87	19,807	Crude Oil.
Grimmett Brothers (workers).....	Snyder, TX.....	6/15/87	6/2/87	19,808	Oil.
ITT Snyder (workers).....	Houston, TX.....	6/15/87	5/30/87	19,809	Measuring Equipment.
Intex Plastics Corp. (workers).....	Corinth, MS.....	6/15/87	6/3/87	19,810	Upholstery.
Kestran Inc. (workers).....	Stafford, TX.....	6/15/87	5/22/87	19,811	Well Instruments.
Levolor (workers).....	Hialeah, FL.....	6/15/87	5/28/87	19,812	Venetian Blinds.
Mackintosh-Hemphill International (workers).....	Pittsburgh, PA.....	6/15/87	1/29/87	19,813	Cast Iron.
Magnetic Peripherals, Inc. (workers).....	Edina, MN.....	6/15/87	6/6/87	19,814	Computer Equip..
Milan Shirt Mfg. Co. (workers).....	Milan, TN.....	6/15/87	6/1/87	19,815	Shirts & Sportswear.
Memphis Dinettes, Inc. (I.U.E.).....	Memphis, TN.....	6/15/87	6/5/87	19,816	Dinette Sets.
PAR Microsystems, Corp. (workers).....	New Hartford, NY.....	6/15/87	6/4/87	19,817	Computers.
Quality Electric Steel Castings, Inc. (workers).....	Houston, TX.....	6/15/87	8/8/87	19,818	Valve and Pump Castings.
Samco Sportswear (ACTWU).....	Crosby, MI.....	6/15/87	6/1/87	19,819	Outwear.
Thomas Nelson, Inc. (GCIU).....	Camden, NJ.....	6/15/87	5/29/87	19,820	Bibles.
Unisys (workers).....	Eau Claire, WI.....	6/15/87	6/4/87	19,821	Circuit Boards.

[FR Doc. 87-14240 Filed 6-22-87; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-19,378]

Termination of Investigation;
Honeywell, Inc., Fort Washington, PA

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 23, 1987 in response

to a worker petition which was received on March 23, 1987 and filed on behalf of workers at Honeywell, Inc., Fort Washington, Pennsylvania.

The petitioning group of workers are subject to an existing certification (TA-W-16,688) which is currently in effect. Since all workers at the Fort Washington plant of Honeywell are now eligible to apply for adjustment

assistance, the investigation on this petition is terminated.

Signed at Washington, DC, this 16th day of June 1987.

Glenn M. Zech,
Acting Director, Office of Trade Adjustment
Assistance.

[FR Doc. 87-14241 Filed 6-22-87; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-18,988]

Dismissal of Application for Reconsideration; Meridian Oil Company (Formerly Southland Royalty Co.), Midland, TX

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Meridian Oil Company (Formerly Southland Royalty Company), Midland, Texas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-18,988; Meridian Oil Company (formerly Southland Royalty Company), Midland Texas (June 9, 1987)

Signed at Washington, DC, this 16th day of June 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-14236 Filed 6-22-87; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Square D. Co., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period June 8, 1987-June 12, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-19,506; Square D. Company, Automation Products Div., Milwaukee, WI

TA-W-19,519; Enterprise Aluminum Co., Eatonton, GA

TA-W-19,520; Enterprise Aluminum Co., Macon, GA

TA-W-19,536; Wisconsin Drill Head Co., West Allis, WI

TA-W-19,702; Grace Petroleum Corp., Oklahoma City, OK

TA-W-19,703; Grace Petroleum Corp., Jackson, MS

TA-W-19,704; Grace Petroleum Corp., Houston, TX

TA-W-19,705; Grace Petroleum Corp., Lakewood, CO

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-19,724; Crescent Petroleum Corp., Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,512; AT&T Information Systems Katy, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,566; T.E. Shelburne & Son, Inc., Snyder, TX

U.S. imports of oilfield machinery declined absolutely from 1985 to 1986 and were negligible.

TA-W-19,768; Schlumberger Well Service, Dallas, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,769 and TA-W-19,770; Schlumberger Well Service, Broussard & Lafayette, LA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,714; Plowden Supply Co., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,402; BMG Music (formerly RCA/Ariola, International), Indianapolis, IN

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,522; General Electric Co., Consumer Electronics Business Operators, Portsmouth, VA

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,531; Road Machinery & Supplies Co., Virginia, MN

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,546; Grant Supply, Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,575; Anadarko Production Co., Exploration Dept., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,537; Zenith Electronics Corp. of Texas, McAllen, TX

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,577; Bethlehem Steel Corp., Freight Car Division, Johnstown, PA

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-18,938; Tektronix, Inc., Integrated Circuits Operations, Hybrid Circuits Operation, Beaverton, OR

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,613; Wills Oil Co., Wichita Falls, TX

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-19,730; Luther Hendon, Inc., Beaumont, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,597; J.W. Humbard & Associates, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,609; USX Corp., USS Division, Texas Works, Baytown, TX

U.S. imports of carbon and alloy steel plate carbon and alloy steel pipe and tube and semifinished carbon and alloy steel shapes which included slabs declined absolutely and relative to domestic shipments in 1986 compared with 1985.

TA-W-19,629; J.E. Carter Energy & Development Corporation, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,650; Well Tech, Inc., Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,606; Steel Industries Service Co (SISCO) Hilti Steel Industry Div., Tulsa, OK

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,603; Rockwood Iron & Metal, Rockwood, TN

U.S. imports of iron and steel scrap were negligible.

Affirmative Determinations

TA-W-19,466; Automotive Proving Grounds, Pecos, TX

A certification was issued covering all workers of the firm separated on or after March 25, 1986.

TA-W-19,644; Taylor Products Division of TCA, Arden, NC

A certification was issued covering all workers of the firm separated on or after April 9, 1986.

TA-W-19,380; Dresser-Rand Co. (formerly Ingersoll-Rand Co.), Phillipsburg, NJ

A certification was issued covering all workers of the firm separated on or after December 7, 1986.

TA-W-19,636; Pogo Producing Co., Houston, TX

A certification was issued covering all workers of the firm separated on or after April 21, 1986.

TA-W-19,637; Pogo Producing Co., Midland, TX

A certification was issued covering all workers of the firm separated on or after April 21, 1986.

TA-W-19,638; Pogo Producing Co., Oklahoma City, OK

A certification was issued covering all workers of the firm separated on or after April 21, 1986.

TA-W-19,639; Pogo Producing Co., Denver, CO

A certification was issued covering all workers of the firm separated on or after April 21, 1986.

TA-W-19,484; Koch Exploration Co., Denver, CO and TA-W-19,674; Koch Exploration Co., Buffalo, SD

A certification was issued covering all workers of the firm separated on or after March 30, 1986.

TA-W-19,657; Bayly Corp., Pleasant Gove, UT

A certification was issued covering all workers of the firm separated on or after April 30, 1986.

TA-W-19,701; Golo Footwear Corp., Dunmore, PA

A certification was issued covering all workers of the firm separated on or after May 4, 1986.

TA-W-19,560; Shield Resources, Inc., Houston, TX

A certification was issued covering all workers of the firm separated on or after April 20, 1986.

TA-W-19,477; Exxon Co., U.S.A., Production Dept, Western Div., Thousand Oaks, CA

A certification was issued covering all workers of the firm separated on or after March 16, 1986.

TA-W-19,477A; Exxon Co., U.S.A., Production Dept, Western Div., Los Angeles, CA

A certification was issued covering all workers of the firm separated on or after March 16, 1986.

TA-W-19,477B; Exxon Co., U.S.A., Production Dept, Western Div., Portland, OR

A certification was issued covering all workers of the firm separated on or after March 16, 1986.

TA-W-19,477C; Exxon Co., U.S.A., Production Dept, Western Div., Tacoma, WA

A certification was issued covering all workers of the firm separated on or after March 16, 1986.

TA-W-19,616; Brown Shoe Co., Bernie, MO

A certification was issued covering all workers of the firm separated on or after April 22, 1986.

TA-W-19,525; Kim & Jim, Inc., Fall River, MA

A certification was issued covering all workers of the firm separated on or after March 26, 1986.

TA-W-19,557; R&M Manufacturing Corp., Leominster, MA

A certification was issued covering all workers of the firm separated on or after April 4, 1986 and before April 30, 1987.

TA-W-19,665; Chevron, U.S.A., Inc., Exploration, Land & Production Operation

TA-W-19,665A Eastern Region, Lafayette, LA & all Other Locations in the Following State Louisiana.

A certification was issued covering all workers of the firm separated on or after April 27, 1986.

TA-W-19,031; Tektronix, Inc., Graphic Printing & Imaging Div., Graphic Workstations Div., Wilsonville, OR

A certification was issued covering all workers of the firm separated on or after January 17, 1986.

TA-W-19,464; Arcticwear Manufacturing, Inc., Thief River Fall, MN

A certification was issued covering all workers of the firm separated on or after March 20, 1986.

TA-W-18,885; Kelly-Springfield, Tire Co., Cumberland, MD

A certification was issued covering all workers of the firm separated on or after January 2, 1986.

TA-W-19,521; Exxon Company, U.S.A., Exploration Dept., Offshore Div., Houston, TX

A certification was issued covering all workers of the firm separated on or after April 1, 1986.

TA-W-19,392; Leesburg Manufacturing Co., Leesburg, FL

A certification was issued covering all workers of the firm separated on or after January 1, 1987.

TA-W-19,410; Silversprings Sportswear, Ocala, FL

A certification was issued covering all workers of the firm separated on or after January 1, 1987.

TA-W-19,455; Werzalit of America, Inc., Bradford, PA

A certification was issued covering all workers of the firm separated on or after March 23, 1986.

TA-W-19,444; Orange County Coat Co., Inc., Newburgh, NY

A certification was issued covering all workers of the firm separated on or after March 16, 1986.

TA-W-19,583; Datachecker Systems, Maynard & Stow, MA

A certification was issued covering all workers of the firm separated on or after March 31, 1986.

TA-W-19,514; Bechman Industrial Corp., Industrial Instrument Products Div., Brea, CA

A certification was issued covering all workers of the firm separated on or after April 7, 1986.

TA-W-19,371; Consolidated Aluminum Corp., New Johnsonville Smelter, Waverly, TN

A certification was issued covering all workers of the firm separated on or after March 9, 1986.

I hereby certify that the aforementioned determinations were issued during the period June 8, 1987-June 12, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 16, 1987.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-14239 Filed 6-22-87; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-19,184]

USX Corp., U.S. Diversified Group, Chicago, IL; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at USX Corporation, U.S. Diversified Group, Chicago, Illinois. The review indicated that the application contained

no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-19,184; USX Corporation, U.S. Diversified Group, Chicago, Illinois (June 8, 1987)

Signed at Washington, DC, this 16th day of June 1987.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-14237 Filed 6-22-87; 8:45 am]
BILLING CODE 4510-30-M

Job Corps Center Assessment Advisory Committee; Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act, and after consultation with General Services Administration, the Secretary has determined that the establishment of the Job Corps Center Assessment Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department.

The Committee will advise the Assistant Secretary of Labor for Employment and Training on such matters as improvements to the Job Corps Center Assessment System, which is to be used to designate Job Corps training centers to be closed in priority order, in the event of capacity reductions or reallocations. The goal is for the Employment and Training Administration (ETA) to develop a system with maximum programmatic fairness, relevance, and validity by utilizing the advice provided by the Committee. Secondly, to advise the Department on matters pertaining to Job Corps Center performance standards. The Committee's scope of activity is consideration of and recommendations concerning all matters involved in the operation of Job Corps training centers and other closely related activities including outreach, screening, and placement functions.

The Committee shall consist of 13 members: 8 contractors who operate Job Corps Centers to represent the viewpoint of such contractors, 2 Federal Government members (one each from the Departments of Agriculture and the Interior, which also operate Job Corps Centers), 1 member of a local Private Industry Council (PIC), to represent the viewpoint of PICs, 1 representative from a building trades training organization to represent the viewpoint of such organizations, and 1 former Job Corps participant to represent the program's trainees.

Other than the two Federal Government members, the members shall not be compensated and shall not be deemed to be employees of the United States.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Job Corps Center Assessment Advisory Committee. Such comments should be addressed to: Mr. Peter E. Rell, Director, Office of Job Corps, U.S. Department of Labor, ETA, 200 Constitution Ave., NW., Room N-4508, Washington, DC 20210, Telephone: (202) 535-0550.

Signed at Washington, DC, this 18th day of June 1987.

William E. Brock,
Secretary of Labor.

[FR Doc. 87-14242 Filed 6-22-87; 8:45 am]
BILLING CODE 4510-30-M

Wage and Hour Division

Certificate Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR Part 1949 53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firm listed in this notice has been issued a special certificate authorizing the employment of learners at hourly wage rates lower than the minimum wage rate otherwise applicable under section 6 of the Act. The effective and expiration dates, number of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the caption below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The normal labor turnover certificate authorizes 10 percent of the total number of factory production workers:

Flushing Shirt Mfg. Co., Inc.,
Grantsville, MD; 01-18-87 to 01-17-88.
(Work Shirts)

The learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of this certificate may seek a review or reconsideration thereof on or before July 8, 1987.

Signed at Washington, DC, this 16th day of June 1987.

Paula V. Smith,
Administrator.

[FR Doc. 87-14238 Filed 6-22-87; 8:45 am]

BILLING CODE 4510-27-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service Schedules A, B, and C; Positions Placed or Revoked

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT:
Sylvia Cole, (202) 632-6817.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on May 26, 1987 (52 FR 19615). Individual authorities established or revoked under Schedule A, B, or C between May 1, 1987, and May 31, 1987, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedules A and B

No Schedule A or B exceptions were established or revoked during May.

Schedule C

Department of Agriculture

One Private Secretary to the Assistant Secretary for Food and Consumer Services. Effective May 1, 1987.

One Confidential Assistant to the Administrator, Farmers Home Administration. Effective May 12, 1987.

One Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services. Effective May 21, 1987.

Department of Commerce

One Confidential Assistant to the Deputy Under Secretary for International Trade. Effective May 7, 1987.

One Confidential Assistant to the Director of Commercial Space Programs. Effective May 29, 1987.

Department of Defense

One Special Assistant to Technology Transfer Policy, to the Assistant Deputy Under Secretary for Trade Security Policy. Effective May 8, 1987.

One Special Assistant to the Assistant Secretary of Defense (Health Affairs) for National Disaster Medical System. Effective May 21, 1987.

One Private and Confidential Secretary to the Assistant to the Secretary of Defense (Atomic Energy). Effective May 29, 1987.

Department of Education

One Special Assistant to the Director, Intergovernmental Affairs, Office of Intergovernmental and Interagency Affairs. Effective May 1, 1987.

One Special Assistant to the Commissioner of Rehabilitative Services Administration. Effective May 22, 1987.

Department of Energy

One Director, Division of Public Affairs to the Director, Office of External Affairs, Federal Energy Regulatory Commission.

One Special Assistant to the Assistant Secretary, Management and Administration. Effective May 15, 1987.

One Secretary (Confidential Assistant) to the General Counsel. Effective May 15, 1987.

One Director, Division of Congressional Affairs to the Director, Office of External Affairs, Federal Energy Regulatory Commission. Effective May 19, 1987.

Department of Health and Human Services

One Confidential Assistant to the Administrator, Health Care Financing Administration. Effective May 1, 1987.

One Deputy Director to the Director, Office of Prepaid Health Care, Health Care Financing Administration. Effective May 1, 1987.

One Director, Communication Strategies and Services Division to the Deputy Assistant Secretary for Health

(Communications), Office of the Assistant Secretary for Health, Public Health Service. Effective May 1, 1987.

One Confidential Assistant to the Director, Office of Legislation and Policy, Health Care Financing Administration. Effective May 1, 1987.

One Special Assistant to the Administrator, Health Care Financing Administration. Effective May 7, 1987.

One Special Assistant to the Associate Commissioner, Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services. Effective May 12, 1987.

Department of Housing and Urban Development

One Special Assistant to the President, Government National Mortgage Association.

One Senior Legislation Specialist to the Deputy Assistant Secretary for Legislation, Office of the Assistant Secretary for Legislation and Congressional Relations. Effective May 22, 1987.

One Special Assistant to the Assistant Secretary for Community Planning and Development. Effective May 22, 1987.

Department of the Interior

One Confidential Assistant to the Chief Operating Officer. Effective May 11, 1987.

One Special Assistant to the Director, Office of Policy Analysis. Effective May 13, 1987.

One Special Assistant to the Director, U.S. Fish and Wildlife Service. Effective May 21, 1987.

One Staff Assistant to the Director, U.S. Geological Survey. Effective May 29, 1987.

Department of Justice

One Senior Liaison Officer to the Director, Office of Liaison Services. Effective May 1, 1987.

One Executive Secretary to the Deputy Assistant Attorney General, Office of Justice Programs. Effective May 1, 1987.

One Confidential Assistant to the Director, National Obscenity Enforcement Unit. Effective May 1, 1987.

One Social Science Program Manager to the Director, Office for Victims of Crime, Office of Justice Programs. Effective May 5, 1987.

One Attorney-Advisor (Counselor) to the Director, Asylum Policy and Review Unit, Office of Legal Policy. Effective May 5, 1987.

One Staff Assistant to the Assistant to the Attorney General and Chief of Staff. Effective May 12, 1987.

One Supervisory Attorney-Advisor (Associate Director) to the Director, National Obscenity Enforcement Unit, Criminal Division. Effective May 19, 1987.

One Special Assistant to the Assistant Attorney General, Antitrust Division. Effective May 19, 1987.

One Confidential Assistant to the Deputy Commissioner, Immigration and Naturalization Service. Effective May 29, 1987.

Department of Labor

One Assistant to the Secretary's Representative, Office of Intergovernmental Affairs. Effective May 1, 1987.

One Staff Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs, Office of Public and Intergovernmental Affairs. Effective May 1, 1987.

One Special Assistant to the Assistant Secretary for Policy. Effective May 29, 1987.

Department of the Navy

One Staff Assistant to the Secretary of the Navy. Effective May 22, 1987.

Department of Transportation

One Staff Assistant to the General Counsel. Effective May 8, 1987.

One Special Assistant to the Assistant Secretary for Public Affairs. Effective May 22, 1987.

Commission on Civil Rights

One Confidential Assistant to the Staff Director. Effective May 29, 1987.

Consumer Product Safety Commission

One Staff Assistant to a Commissioner. Effective May 15, 1987.

One Supervisory Public Affairs Specialist to the Executive Director. Effective May 21, 1987.

Equal Employment Opportunity Commission

One Special Assistant to the Chairman. Effective May 27, 1987.

Federal Home Loan Bank Board

One Special Assistant on Legislative and Regulatory Policy to the Chairman. Effective May 5, 1987.

Federal Maritime Commission

One Confidential Assistant to a Commissioner. Effective May 5, 1987.

Federal Trade Commission

One Writer to the Chairman. Effective May 18, 1987.

General Services Administration

One Special Assistant to the Regional Administrator. Effective May 5, 1987.

One Confidential Assistant to the Regional Administrator. Effective May 12, 1987.

National Endowment for the Humanities

One Administrative Assistant to the Deputy Chairman. Effective May 19, 1987.

National Transportation Safety Board

One Confidential Assistant to a Board Member. Effective May 19, 1987.

Office of Management and Budget

One Confidential Assistant to the Director. Effective May 5, 1987.

Office of Personnel Management

One Special Assistant to the Director, Office of Public Affairs. Effective May 8, 1987.

Small Business Administration

One Special Assistant to the Administrator. Effective May 12, 1987.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., P.218.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-14115 Filed 6-22-87; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Hydro Assessment Study report
- Other
- Public comment

DATE: June 22, 1987, 1:00 p.m.

ADDRESS: The meeting will be held in the Council's central office, 850 SW. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 87-14194 Filed 6-22-87; 8:45 am]

BILLING CODE 0000-00-

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24596; File No. SR-NYSE-87-17]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Opening Procedures for Orders Relating to Expiring Stock Index Contracts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 8, 1987, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds auxiliary opening procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures (collectively, "index contracts") on June 19, 1987.

Specifically, the auxiliary procedures provide that stock orders relating to opening-price settling contracts must be received by 9:00 a.m. on June 19. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as at 9:00 in 50 pilot stocks.

The Exchange will make SuperDot available to accept orders at 7:30. The Exchange will also raise the order size eligibility for the Opening Automation Reporting Service ("OARS") to 30,099 shares—in effect, raising SuperDot's pre-opening order size parameters. The procedures confine orders relating to opening-price settling contracts to market orders and require them to be appropriately identified. The procedures also ban "limit-at-the-opening" orders and apply on June 19 the reduced waiting periods for second and subsequent price indications included in a pending filing.¹

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The proposed rule change supersedes all Exchange rules and policies inconsistent with it.

¹ SR-NYSE-87-14 (noticed in Rel. No. 34-24510 (May 26, 1987).)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose.* The purpose of the proposed rule change is to establish procedures to augment the NYSE's regular opening procedures on June 19, 1987. The auxiliary procedures will assist in integrating stock orders relating to expiring contracts into the Exchange's opening procedures in a manner that will assure an efficient market opening in each stock as close to 9:30 a.m. as possible.

The Exchange believes that settling index contracts based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's time-tested opening procedures, provides the best mechanism for handling the accompanying stock volume. The Exchange, the Chicago Mercantile Exchange, Inc. (the "CME") and the New York Futures Exchange, Inc. (the "NYFE") recently altered or added index contracts specifying that settlement pricing will occur based upon the opening prices on expiration Friday (June 19). They have also provided that trading in opening-price settling contracts will cease at the close on the preceding day (Thursday, June 18). The Exchange anticipates that these changes will divert to the opening approximately 75 percent of the stock order flow related to expiring index contracts. The proposed rule change establishes auxiliary procedures to help accommodate the diverted order flow.

The special dissemination of a picture of substantial market order imbalances in the 50 pilot stocks as at 9:00 will provide off-Floor participants with a picture of the unique impact of the index-related orders, and will allow ample opportunity for them to react to it. Because the regular opening procedures will otherwise operate, an off-Floor participant will, as always, be able to obtain a minute-to-minute Floor picture through his Floor broker. Similarly, the pre-opening application of the ITS Plan

will be in effect. Moreover, if it becomes evident that a significant change from the June 18 closing price is in the offing, the specialist can, with the approval of a Floor Official, disseminate regular price indications over the tape as needed.

The particular purposes of several of the procedures deserve elaboration.

9:00 Cut-Off. The 9:00 cut-off for entry of stock orders relating to opening-price settling contracts assures that the upper limit of the order flow created by unwinding index-related positions is known at 9:00. The specialist can retrieve the orders in OARS at 9:00 and combine them with the manual orders, creating a complete picture of all the orders. If the picture shows an imbalance of 50,000 shares or more, he will notify off-Floor participants of the imbalance within the first several minutes after 9:00. This allows a half hour or more to react.

Preclusion of Limit-at-the-Opening Orders. Preclusion of limit-at-the-opening orders simplifies the specialist's task in opening his market. These orders cannot be entered into the electronic display book. Consequently, their acceptance would complicate the specialist's task by requiring him to keep a separate, manual tally. Customers are free to enter regular limit orders.

Applicability of Revised Price Indications Waiting Period. SR-NYSE-87-14, noted above, describes the purpose of reducing the waiting period following second and subsequent price indications. The Exchange seeks advance, one-day implementation of those reduced waiting periods in view of (a) the possibility that more than the normal number of price indications may be necessary on June 19 and (b) the heightened desirability of opening all stocks as quickly as possible on that day.

2. *Statutory Basis.* The basis under the 1934 Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange created an *ad hoc* June Expiration Procedures Committee consisting of its Floor Directors, other representatives from the Floor, upstairs traders and institutional brokers. The proposed rule change reflects the consensus reached by the committee.

The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act. Development of the auxiliary procedures is the product of extensive internal deliberations, has involved the CME and the NYFE, and has been discussed with the Commission staff and other interested persons. This process has prevented the procedures from taking their final form until recently. Their belated emergence does not leave sufficient time for the normal notice-and-comment procedures to occur in advance of the June 19 expiration. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the June 19 expiration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change will enable the exchange to quickly implement and notify market participants about procedures that it believes will appropriately address any index-related heightened share volume at the open on June 19. The commission believes that basing the settlement of index products on opening, as opposed to closing prices on June 19 may help to accommodate index-related share volume. The proposed auxiliary procedures are intended to ensure that the exchange may efficiently process sizeable order

flow at the open. The Commission believes that these procedures should work to reduce order imbalances at the open, and thus dampen potential volatility. In this regard, the June expiration should provide an opportunity to determine whether these procedures are sufficient in dampening expiration volatility at the opening, or whether additional measures such as mandatory price dissemination are necessary.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 14, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 16, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14191 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24582; File No. PHLX 87-18]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Calculation of the Final Index Settlement Value of Index Options Series Opened After March 30, 1987

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on April 23, 1987 the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., ("PHLX" or "Exchange"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), proposes to amend Exchange Rule 1000A(b)(8), by adding this Commentary thereto, as follows (new material is italicized):

. . . *Commentary .01 to Rule 1000A(b)(8)*

For any series of index options first opened after March 30, 1987, the Exchange may, in its discretion, provide that the calculation of the final index settlement value of any index on which options are traded at the Exchange will be determined by reference to the prices of the constituent stocks at a time other than the close of trading on the last trading day before expiration

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

This rule change is designed to coincide with a proposed rule change and Options Disclosure Document revision of the Options Clearing Corporation ("OCC"). The OCC is preparing these changes to accommodate morning settlement of options on indices for those securities exchanges that have determined to alter the time at which the final index settlement value is calculated for expiring options.

The Exchange proposes this rule change to put its members and the

public on notice that it may in the future alter the time at which the prices or constituent stocks would be reviewed for the purpose of calculating the final index settlement value for expiring index options. The proposal would give the Exchange the flexibility to move the calculation of the final index value for any series of options opened after March 30, 1987 from the close on the last trading day before expiration to the opening on such day. The Exchange understands that the OCC is concerned about the potential liability exposure or changing the terms of outstanding index options contracts and has therefore determined that it will only allow index options series not yet issued to provide for a morning rather than a closing settlement valuation time. However, the OCC rule is not automatic, and it would only be effective for index options contracts for which the relevant exchange has changed the settlement valuation time.

In this context, the Exchange seeks the option of moving its settlement valuation time from the close to the opening on the pertinent expiration day for any index option series first opened after March 30, 1987. This proposal would not require the Exchange to change the index option settlement terms for any index options contract at this time. But it would permit the Exchange to observe overall industry developments in this area and make a change to a morning settlement at some point in the future if the Exchange chose to do so. In filing SR-PHLX 87-13, which we understand the Commission approved on April 16, 1987, the Exchange received approval on an accelerated basis of a filing identical to the instant filing covering the first two options series added after March 30, 1987.¹ In the instant filing, the Exchange asks approval for subsequent series.

The Exchange believes the proposal is consistent with section 6 of the Act, in particular section 6(b)(5). PHLX, like the other securities exchanges and the Commission, has spent considerable time studying the impact of index contract trading on the securities markets, particularly at expiration. By permitting the Exchange to continue to

¹ In approving SR-PHLX 87-13, the Commission noted that the Options Clearing Corporation already had amended their rules and that broker-dealers had informed their customers of the possibility of such changed contract terms. Accordingly, the Commission continues to believe that other markets are not necessarily required to make such conforming rule changes, apart from those rule changes necessary to amend the settlement times specified for options traded on their markets. See Securities Exchange Act, Release No. 23470 (April 17, 1987).

study the potential benefits of altering the time for calculating the final index settlement value of expiring options, while nevertheless giving the Exchange the opportunity to make such a change on the shortest possible notice, the proposed rule change should promote fair and orderly markets and otherwise foster the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or,
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted by July 14, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 12, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14192 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

June 17, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Computer Factory Inc.

Common Stock, \$.01 Par Value (File No. 7-0220)

Freeport McMoran Inc.

\$1.875 Cumulative Convertible Exchangeable Preferred (File No. 7-0221)

Weyerhaeuser Co.

\$2.625 Cumulative Convertible Exchangeable Preferred, \$1.00 Par Value (File No. 7-0222)

Chicago Pacific Corporation

Common Stock, \$.01 Par Value (File No. 7-0223)

Viacom Inc.

Cumulative Exchangeable, Redeemable Preferred Stock, \$.01 Par Value (File No. 7-0224)

Ply-Gem Industries, Inc. (Delaware)

Common Stock, \$.25 Par Value (File No. 7-0225)

Salant Corporation (Delaware)

Common Stock, \$1.00 Par Value (File No. 7-0226)

Republicbank Corporation

Common Stock, \$.50 Par Value (File No. 7-0227)

Republicbank Corporation

Class A Common Stock, \$1.00 Par Value (File No. 7-0228)

Republicbank Corporation

Adjustable Rate Cumulative Preferred Stock, Series C, No Par Value (File No. 7-0229)

CMS Energy Corporation

Common Stock, \$.01 Par Value (File No. 7-0230)

These securities are listed and registered on one or more other national securities exchange and are reported in

the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14189 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

June 17, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Glaxo Holdings plc

American Depositary Receipts (File No. 7-0219)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14190 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-0683]

Issuer Delisting; Application To Withdraw From Listing and Registration; AM International, Inc. (Common Stock, Par Value \$.01 Per Share, With Preferred Share Purchase Rights, and \$2.00 Convertible Exchangeable Preferred Stock)

June 17, 1987.

AM International, Inc. ("Company"), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's common stock recently began trading on the New York Stock Exchange ("NYSE").

The reasons alleged in the application for withdrawing these securities from listing and registration on the Amex include the following:

The Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock and \$2.00 preferred stock on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock and \$2.00 Preferred Stock.

Any interested person may, on or before July 9, 1987 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14188 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

GSS Venture Capital Corp.; Order of Trading Suspension

June 17, 1987.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information relating to the securities of GSS Venture Capital Corporation ("GSS") and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things: a pending acquisition offer for all of GSS's issued and outstanding common stock by Sherwood Financial Ltd.; GSS's financial condition; its capitalization; its assets; and other matters. The Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of GSS.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of GSS is suspended, for the period commencing at 12:00 noon on June 17, 1987 and terminating at midnight (EST) on June 26, 1987.

By the Commission.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14185 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Sherwood Financial, Ltd.; Order of Trading Suspension

June 17, 1987.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information relating to the securities of Sherwood Financial, Ltd. ("Sherwood Financial"), and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things: Sherwood Financial's acquisition offer for all of the issued and outstanding common stock of GSS Venture Capital Corporation; Sherwood Financial's financial condition; its assets; its management; and other matters. The Commission is of the opinion that the

public interest and the protection of investors require a summary suspension of trading in the securities of Sherwood Financial.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Sherwood Financial is suspended, for the period commencing at 12:00 noon on June 17, 1987 and terminating at midnight (EST) on June 26, 1987.

By the Commission.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14186 Filed 6-22-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 87-6-41]

Fitness Determination of Helitac Aviation, Inc.; Order To Show Cause

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness. Determination—Order 87-6-41, order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Helitac Aviation, Inc. d/b/a/ Helitac Air Couriers and d/b/a/ Helitac Commuter Airlines is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6420, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than July 9, 1987.

FOR FURTHER INFORMATION CONTACT: James A. Lawyer, Air Carrier Fitness Division, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-1064.

Dated: June 17, 1987.

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-14261 Filed 6-22-87; 8:45 am]

BILLING CODE 4910-62-M

Maritime Administration

[Docket No. A-177]

Hearing Request Concerning Additional Crew Member Wage Subsidy; Seabulk Transmarine I, Inc., et al.

Notice is hereby given of the Maritime Subsidy Board's request for a hearing to be conducted by the Office of the Chief Administrative Law Judge. The purpose of this publication in the **Federal Register** is to apprise interested persons of the nature of the issues to be heard and to allow for an opportunity to file petitions for leave to intervene as per 46 CFR 201.72.

The Maritime Subsidy Board (Board), on March 17, 1987, considered issues on remand from the United States District Court for the District of Columbia in *Seabulk Transmarine I, Inc. et al. v. Dole*, Civ. No. 84-1718 (D.D.C. Oct. 9, 1986). The court had directed the Board to conduct a "full discretionary reconsideration of the request of Seabulk Transmarine I, Inc., et al. (Seabulk) for wages subsidies for a 17th crew member in light of those circumstances which might warrant the same in accordance with section 606(1) of the Merchant Marine Act, 1936, as amended (Act)." The applicants submitted presentations and arguments in an effort to reach an agreement for readjustment. Based upon the presentations and arguments of the applicants, the Board did not believe that an agreement could be reached as to a readjustment. The applicants were advised that if they believed additional facts may bear on the Board's decision that a hearing could be requested.

By letter dated May 5, 1987, Counsel for Seabulk, H. Clayton Cook, Jr. of Cadwalader, Wickersham & Taft has requested that a hearing be conducted.

Therefore, the Office of Chief Administrative Law Judge was requested to conduct a hearing of this matter pursuant to the Agency's Rule of Practice and Procedures, 46 CFR 201.1 et seq. The presiding Officer has been directed to develop a full record, determine the facts and law, and issue an initial decision addressing the evidence and issues raised under the terms of the relevant operating-differential agreements between the parties, and under section 606(1) and all relevant provisions of the Merchant Marine Act, 1936, as amended regarding Seabulk's request for wage subsidy for a 17th crew member.

On May 29, 1987 this matter was assigned to Administrative Law Judge Ronnie A. Yoder. On June 8, 1987 a

prehearing conference was scheduled for 10:00 a.m., July 1, 1987 in Room 2155, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410 before Judge Yoder to consider, *inter alia*, matters specified in Rule 10 of the Board's Rules of Practice and Procedure (46 CFR 201.101(a)).

Dated: June 17, 1987.

By the Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 87-14267 Filed 6-22-87; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP86-12; Notice 2]

Grant of Petition for Determination of Inconsequential Noncompliance; Motor Bikes Imports, Inc.

This notice grants the petition by Motor Bike Imports, Inc., of Pennsauken, New Jersey, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number*, and 49 CFR 571.119, *Motor Vehicle Safety Standard No. 119, New Pneumatic Tires for Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of receipt of the petition was published on January 23, 1987, and an opportunity afforded for comment (52 FR 2645).

FMVSS No. 115, *Vehicle Identification Number*, effective September 1, 1980 requires the vehicle identification number to consist of seventeen (17) characters.

Paragraph S6.4 of Federal Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*, effective March 1, 1975 specifies the requirements of treadwear indicators. Motorcycle treadwear indicators should enable a person inspecting a motorcycle tire to determine visually whether the tire has worn to a dread depth of one-thirty-second of an inch. Motorcycle tires are required to have three such indicators.

Motor Bikes Imports, Inc. determined that 2,521 Safari mopeds ("motor driven cycles" under the Federal motor vehicle safety standards) manufactured from September 1, 1980 to April 19, 1985, failed to comply with FMVSS No. 115

because of an insufficient number of characters. Two safety compliance test reports entitled *Safety Compliance Tests Motor Driven Cycles*, NHTSA No. CD 1205 and NHTSA No. CD 1206, both dated March 1984, listed the Safari 300MT (CD 1205) and the Safari 400MT (CD 1206) as having VIN's consisting of ten (10) characters. Also, 2,176 of the 7,254 mopeds manufactured between March 1, 1975, and April 19, 1985, were equipped with tires that had one (1) treadwear indicator rather than the required three (3). The one (1) treadwear indicator tires were installed on mopeds produced prior to mid-1984. Motor Bikes Imports, Inc. has corrected the above mentioned non-compliance for the Safari 400MT and the Safari 300MT mopeds produced from 1985 to the present.

The petitioner argued that "both these problems have been resolved . . . and pose no safety problems".

One comment was received on the petition, which opposed granting it. In the view of R.J. Salehar, Highway Safety Engineer, Maryland Department of Transportation, "the tire equipment is important since these units are permitted to be operated on the roadways" of Maryland. Further, "recovery of any stolen units having less than the required 17 character VIN could pose some problems in identification of a stolen or missing unit".

The purpose of FMVSS No. 115 is to simplify vehicle information retrieval and to reduce the incidence of accidents by increasing the accuracy and efficiency of vehicle safety remedial campaigns. In a State such as Maryland where the vehicles in question are not required to be registered, notification is effected through dealers of the vehicles and through the manufacturer/importer's warranty. The vehicles will be identified by their VIN, even if it lacks the full number of characters. This means that in the event such a vehicle is stolen, it is nevertheless identifiable through its truncated VIN, whereas it might not be were the VIN completely lacking. Similarly, they may be traced in States where they are registered because of their incomplete VINs.

With respect to the noncompliance with FMVSS 119, a review of the agency's investigatory files discloses that the majority of the noncompliances occurred with respect to motor driven cycles manufactured before mid-1984. This means that the tires may have been in use for at least three years and in many instances much longer. The agency believes it likely that a large proportion of the tires are no longer in

service. The relatively small number of tires that remain in use nevertheless bear one treadwear indicator.

In consideration of the foregoing, it is hereby found that petitioner has met its burden of persuasion that the noncompliances herein described are inconsequential as they relate to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93-942, 88 Stat 1470, (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 17, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-14260 Filed 6-22-87; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 1:00 p.m. on Wednesday, June 17, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution regarding a proposed amendment to Part 344 of the Corporation's rules and regulations, entitled "Recordkeeping and Confirmation Requirements for Securities Transactions," which amendment would exempt from certain recordkeeping and written policymaking requirements banks effecting an average of fewer than 1,000 securities transactions per year.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum regarding publication of administrative enforcement decisions and orders issued pursuant to section 8 of the Federal Deposit Insurance Act.

By the same majority vote, the Board further determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

At that same meeting, the Board further determined, on motion of Director Clarke, seconded by Director Hope, concurred in by Chairman Seidman, that Corporation business required the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting to be held at 1:30 p.m. the same day, of the following matter:

Application of Western Bank and Trust, a proposed new bank to be located at 1901

Maplewood Drive, Sulphur, Louisiana, for Federal deposit insurance.

In voting to move this matter from open session to closed session. The Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)), and that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 18, 1987.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 87-14300 Filed 6-19-87; 12:15 pm]
BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:02 p.m. on Tuesday, June 18, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the possible failure of an insured bank: Name and location of bank authorized to be exempt from disclosure pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: June 17, 1987.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 87-14299 Filed 6-19-87; 12:15 pm]
BILLING CODE 6714-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 18, 1987.

TIME AND DATE: 10:00 a.m., Thursday, June 25, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission will also consider and act upon the following:

2. *Peabody Coal Company*, Docket Nos. KENT 86-94-R, etc. (consideration of a petition for discretionary review).

3. *Con-Ag, Inc.*, Docket No. LAKE 87-15. (consideration of a request for relief from default).

STATUS: Closed (Pursuant to 5 U.S.C. § 552b(c)(10)).

MATTER TO BE CONSIDERED: After the open portion of the meeting, the commission will meet in closed session to consider the following:

4. *Odell Moggard v. Chaney Creek Coal Co.*, etc., Docket Nos. KENT 86-1-D, etc.

5. *John A. Gilbert v. Sandy Fork Mining Co.*, etc., Docket Nos. KENT 86-49-D, etc.

It was determined by a unanimous vote of Commissioners that this portion of the meeting be closed.

Any person intending to attend the open portion of the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR § 2706.150(a)(3) and § 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,
Agenda Clerk.
[FR Doc. 87-14353 Filed 6-19-87; 8:45 am]
BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, June 29, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Street, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 19, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-14345 Filed 6-19-87; 8:45 am]

BILLING CODE 6210-01-M

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, June 30, 1987.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: Open Special Conference.

PURPOSE: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for public observation, no public participation is permitted.

MATTER TO BE DISCUSSED:

Finance Docket No. 30400 (Decision #31)—
*Santa Fe Southern Pacific Corporation—
Control—Southern Pacific
Transportation Company*

CONTACT PERSON FOR MORE

INFORMATION: Alvin H. Brown, Office of Government and Public Affairs,
Telephone: (202) 275-7252.

Noreta R. McGee,

Secretary.

[FR Doc. 87-14125 Filed 6-17-87; 3:55 pm]

BILLING CODE 7035-01-M

SECURITIES AND EXCHANGE COMMISSION

**"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT:** [52 FR 23135
June 17, 1987].

STATUS: Open meeting/Closed meeting.

PLACE: 450 Fifth Street, NW.,
Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Friday,
June 12, 1987.

An open meeting scheduled for Tuesday, June 23, 1987, at 3:00 p.m. to consider the following item has been cancelled:

Consideration of whether to authorize the Division of Corporation Finance and the Office of the General Counsel to draft revisions to the Trust Indenture Act for proposal to the Congress. If enacted by the

Congress, the proposed revisions would conform the Act to contemporary financing techniques, promulgate new conflicts-of-interest standards for indenture trustees, permit certain foreign persons to act as indenture trustees and effect miscellaneous technical changes in the Act. For further information, please contact Michael Hyatte, at (202) 272-2527.

The close meeting previously scheduled for Tuesday, June 23, 1987, following the open meeting, has been rescheduled for Thursday, June 25, 1987, at 9:00 a.m. The subject matter of the closed meeting will be:

Regulatory matter regarding financial institution.

Settlement of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

Institution of administrative proceeding of an enforcement nature.

Formal orders of investigation.

Settlement of injunctive action.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bernard Black at (202) 272-2468.

Jonathan G. Katz,
Secretary.

June 19, 1987.

[FR Doc. 87-14359 Filed 6-19-87; 4:22 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 304

Freedom of Information Act Fee Schedule Revision

Correction

In rule document 87-13622 beginning on page 22753 in the issue of Tuesday, June 16, 1987, make the following correction:

On page 22753, in the third column, in the third paragraph, in the first line, "\$ 304.3(b)" should read "\$ 304.3(c)".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

7 CFR PART 3016

DEPARTMENT OF ENERGY

10 CFR PART 600

SMALL BUSINESS ADMINISTRATION

13 CFR PART 143

DEPARTMENT OF COMMERCE

15 CFR PART 24

DEPARTMENT OF STATE

22 CFR PART 135

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR PARTS 85, 111, 511, 570, 571, 575, 850, 905, 941, 968, AND 990

DEPARTMENT OF JUSTICE

28 CFR PART 66

DEPARTMENT OF LABOR

29 CFR PART 97

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR PART 1470

DEPARTMENT OF DEFENSE

32 CFR PART 278

DEPARTMENT OF EDUCATION

34 CFR PARTS 74 AND 80

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR PART 1207

VETERANS ADMINISTRATION

38 CFR PART 43

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PARTS 30 AND 33

DEPARTMENT OF THE INTERIOR

43 CFR PART 12

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 13

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR PART 92

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR PART 1157

National Endowment for the Humanities

45 CFR PART 1174

Institute of Museum Services

45 CFR PART 1183

ACTION

45 CFR PART 1234

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR PART 2015

DEPARTMENT OF TRANSPORTATION

49 CFR PART 18

Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

Correction

In proposed rule document 87-13013 beginning on page 21820 in the issue of Tuesday, June 9, 1987, make the following corrections:

1. On page 21839, in the second column, the name of the Secretary of Health and Human Services should read "Otis R. Bowen".

§ ____3 [Corrected]

2. On page 21848, in the third column, in § ____3, in the definition of "Contract", after the closed parenthesis insert "a procurement contract under a grant or subgrant, and means".

§ ____24 [Corrected]

3. In § ____24(c)(2), on page 21853, in the first column, in the fifth line, after "employee's" insert "normal line of work, the services will be valued at the employee's".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OPTS-84024; FRL-3200-4]

Addition of Chemicals to Information Rules; Certain Pesticide Inert Ingredients

Correction

In proposed rule document 87-10905 beginning on page 18245 in the issue of Thursday, May 14, 1987, make the following correction:

§ 712.30 [Corrected]

On page 18248, in § 712.30(d), in the table, in the 23rd entry, in the second column, insert "1-" before "Butoxyethoxy".

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 712****[OPTS-82030; FRL-3200-1]****Chemical Information Rules; Addition
of Chemicals***Correction*

In proposed rule document 87-10906 beginning on page 18250 in the issue of Thursday, May 14, 1987, make the following correction:

On page 18250, in the third column, in the table, in the ninth entry, "hydroxide" was misspelled.

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION
AGENCY****[OPTS-42080B; FRL 3203-6]****Testing Consent Agreement
Development for Chemical Substances
Under TSCA Section 4; Solicitation for
Public Participation***Correction*

In notice document 87-11476 beginning on page 18738 in the issue of Tuesday, May 19, 1987, make the following correction:

On page 18739, in the first column, after the third complete paragraph, the third date, "June 19, 1987", should read "June 29, 1987".

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Centers for Disease Control****National Institute for Occupational
Safety and Health; Request for
Comments and Secondary Data on the
Toxicity of Carbonless Copy Paper***Correction*

In notice document 87-13518 beginning on page 22534 in the issue of Friday, June 12, 1987, make the following correction:

On page 22534, in the first column, in the **SUPPLEMENTARY INFORMATION**, in the fifth line, after "occupational" insert "safety and health. NIOSH has received a request from the Occupational".

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Food and Drug Administration****21 CFR Part 312****[Docket No. 82N-0394]****Investigational New Drug, Antibiotic,
and Biological Drug Product
Regulations; Treatment Use and Sale***Correction*

In rule document 87-11932 beginning on page 19466 in the issue of Friday, May 22, 1987, make the following corrections:

1. On page 19466, in the second column, in the last paragraph, the first word should read "There".

2. On page 19467, in the second column, in the first complete paragraph, in the fourth line, insert "comments" after "Some".

3. On the same page, in the third column, in the first complete paragraph, in the 12th line, "patient" was misspelled.

4. On page 19471, in the first column, in the fourth complete paragraph, in the last line, the section number should read "§ 312.34(b)(1)(iii)".

5. On page 19473, in the third column, in the third complete paragraph, in the seventh line, the section number should read "§ 312.34(b)(3)(i)".

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Health Care Financing Administration****42 CFR Parts 405, 409 and 442****[BERC-258-F]****Medicare and Medicaid Programs;
Benefit Period Determinations, Drug
Regimen Reviews and Other Technical
Changes***Correction*

In rule document 87-13449 beginning on page 22638 in the issue of Monday, June 15, 1987, make the following corrections:

1. On page 22639, in the first column, in the first complete paragraph, in the 14th line, "90" should read "80".

2. On page 22640, in the third column, in the last paragraph, in the eighth line, "41" should read "51".

BILLING CODE 1505-01-D

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Federal Register

Vol. 52, No. 120

Tuesday, June 23, 1987

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This is a continuing list of public bills from the current session of Congress which have become Federal laws.

The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1947/Pub. L. 100-53

Magistrates' Retirement Parity Act of 1987. (June 18, 1987; 101 Stat. 367; 2 pages)
Price: \$1.00

H.J. Res. 283/Pub. L. 100-54

Recognizing the service and contributions of the Honorable Wilbur J. Cohen. (June 18, 1987; 101 Stat. 369; 2 pages)
Price: \$1.00